

From: Cooper, Drew
Sent: Tuesday, June 19, 2018 4:52 PM
To: Sarko, Alyssa
Subject: RE: HB 506 - Last Briefing

Yep she sent it to me as well- thanks!

Drew Cooper

Executive Assistant to the Chief of Staff | Shawn Kasych
Ohio House of Representatives | 77 S. High St., 14th Floor | Columbus, OH 43215
Office: (614) 466-0968 | Cell: (614) 313-6711
Drew.Cooper@ohiohouse.gov

From: Sarko, Alyssa
Sent: Tuesday, June 19, 2018 4:51 PM
To: Cooper, Drew <Drew.Cooper@ohiohouse.gov>
Subject: Fwd: HB 506 - Last Briefing

Just saw this. Not sure if you got it.

Alyssa Sarko
Alyssa.sarko@gmail.com
330-240-2126

Begin forwarded message:

From: "Myers, Marisa" <marisa.myers@ohiohouse.gov>
Date: June 19, 2018 at 4:14:02 PM EDT
To: "Sarko, Alyssa" <Alyssa.Sarko@ohiohouse.gov>, "Kerns, Emily" <Emily.Kerns@ohiohouse.gov>
Cc: "Lundregan, Scott" <Scott.Lundregan@ohiohouse.gov>
Subject: HB 506 - Last Briefing

Marisa Myers

Deputy Policy Director | Majority Caucus
Ohio House of Representatives | 77 S. High Street Columbus, Ohio 43215
p. 614.728.5523 | e. Marisa.Myers@ohiohouse.gov

From: Fleck, Craig
Sent: Friday, June 22, 2018 3:42 PM
To: GOP _All
Subject: New GOP Additions

WELCOME

When you get a free minute, please make sure to introduce yourself and welcome the newest members of our team.



**Tyler
Herrmann,
Deputy Legal
Counsel /
Policy Advisor**

Tyler is from Harrison, Ohio and holds a Juris Doctorate from the University of Cincinnati and a Political Science degree from Wright State University. Tyler served in the United States Air Force as an Operations Intelligence Analyst NCO and currently serves as a JAG Attorney for the United States Army. He currently presides as the Chairman for the Ohio Chapter of the Republican National Lawyers Association, and as the Treasurer for the Cap City Young

	<p>Republicans. Tyler transferred to the House from the Attorney General's Office where he served as an Assistant Attorney General within the Executive Agencies Section.</p>
	<p>James Kennedy, LA Merrin</p> <p>James is from Palm City, Florida and an alum of Florida, Atlantic University where he graduated with a degree in Political Science. While in college he had the opportunity to serve as a Tax and Fiscal Policy Intern for the American Legislative Exchange Council (ALEC). James has an extensive research background serving as a Legal Research Analyst Intern for the Buckeye Institute and as a Political-Military Analyst Intern for the Hudson Institute. Prior to arriving to the House, he served as a Legislative Assistant for the Tennessee Legislation Service in Nashville. In James' free time, he enjoys collecting sports memorabilia and claims to have personally met nearly every</p>

major league baseball superstar.

Lauren Reid, LA Butler



Lauren is from Madison, Connecticut, and recently graduated from the University of Dayton with degrees in Criminal Justice and Political Science with a minor in Spanish. While at Dayton, she served as a Statehouse Civic Scholar, where she was assigned an internship working for the Governor's communication team. Lauren had the unique experience of traveling to Segovia, Spain, where she participated in a four-week immersion program. During the winter months whenever she gets the opportunity, she enjoys to snowmobile.

Craig Fleck

Deputy Administrative Officer
Ohio House of Representatives
77 South High Street, 12th Floor

Columbus, Ohio 43215
Cell: 440.376.6098
Office: 614.466.2175
Craig.fleck@ohiohouse.gov

From: Myers, Marisa

Sent: Tuesday, June 26, 2018 1:58 PM

To: Kerns, Emily; Sarko, Alyssa; Garczyk, Cameron

CC: Lundregan, Scott

Subject: Bill Briefings Part I

Attachments: Bill Briefing (HB 211-Hughes).pdf; Bill Briefing (HB 543 - Hambley, Perales).docx; Bill Briefing (Sub. HB 500 - Carfagna).pdf; HB 36 Bill Briefing.docx; HB 126 Bill Briefing.docx; HB 156 Bill Briefing.docx; HB 240 Bill Brief-PENDING HOUSE FLOOR.docx; HB 349 (LaTourette) - Bill Briefing.docx; HB 386 Bill Briefing.docx; HB 425 (Antani, Craig) bill briefing 6-15-18.pdf; HB 428 Bill Brief.docx; HB 479 (Lipps, West) bill briefing 6-14-18.pdf; HB 480 (Hill) - Bill Briefing.docx; HB 497 Bill Briefing.docx; HB 502 Bill Brief-PENDING HOUSE FLOOR.docx; HB 511 Bill Briefing.docx; HB 540 Bill Brief-PENDING HOUSE FLOOR.docx; HB 572 Bill Brief.docx; HB 595 (Cupp, Rezabek) - Bill Briefing.docx; SB 81 Bill Briefing (Terhar).pdf; SB 299 (Gardner) - Bill Briefing.docx; Sub HB 355.docx; Sub. HB 7 BB.docx; Sub. HB 92 BB.docx; Sub. SB 66 BB.docx

Marisa Myers

Deputy Policy Director | Majority Caucus

Ohio House of Representatives | 77 S. High Street Columbus, Ohio 43215

p. 614.728.5523 | e. Marisa.Myers@ohiohouse.gov

H.B. 211 (Hughes)

License home inspectors

House co-sponsors: Antani, Edwards, Leland, Cera, Boccieri, Clyde, Smith, K., West

Bill History

- 5/9/17—Introduced
- 2/28/18—Reported substitute from House Economic Development, Commerce, and Labor Committee (5 hearings) (12-2, Hood and Dean no)
- Pending House floor vote

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Robert Fletcher (Ohio Realtors)• Blaine Swan (American Society of Home Inspectors)• Scott Williams (Ohio Realtors)• Pete Kopf (Ohio Realtors)• Anjanette Frye (Ohio Realtors)• Tiffany Meyer (Ohio Realtors)• Chris Reese (Ohio Realtors)	<ul style="list-style-type: none">• James Nemastil (Nemastil Home Inspections)• Joseph Jefferys (HomeSpection Training Institute)• Douglas Curfman (Sherlock Homes Independent Inspection Agency)• David Szalay (citizen)• Micah Derry (Americans for Prosperity)	<ul style="list-style-type: none">• Rod Berning (Berning & Associates Inc.)•

Key Provisions

- Establishes the Home Inspector Law and requires individuals wishing to perform home inspections to obtain a license in order to perform those inspections.
- Establishes criminal penalties for performing home inspections without a license and knowingly making, or causing to be made, a false representation concerning a material and relevant fact relating to a person's licensure as a home inspector.
- Creates the Ohio Home Inspector Board to regulate the licensure and performance of home inspectors and requires the Superintendent of Real Estate and Professional Licensing to administer the Home Inspector Law.
- Prohibits a home inspection from being performed unless it is performed pursuant to a written contract entered into between a licensed home inspector and a client.

- Requires a real estate broker or salesperson who provides the name of a home inspector to a purchaser or seller of real estate to provide the names of at least three licensed home inspectors.
- Requires a licensed home inspector to include a written report of the visual examination performed by a licensed home inspector during a home inspection.
- Requires a licensed home inspector to retain documents related to home inspection work for a five-year period.
- Prohibits any person from performing a home inspection unless the inspection conforms to requirements for conducting home inspections, standards of practice, and prohibitions against conflicts of interest specified in rules adopted by the Board.
- Allows the Superintendent, in accordance with the bill's requirements, to investigate a complaint of unlicensed activity or of performing a home inspection in a manner that does not conform to Board rules or without having entered into a contract.
- Requires the Board to hold a hearing regarding an alleged violation of the bill's prohibited activities in accordance with the bill's requirements and, if the Board finds that a violation has occurred, allows the Board to impose a fine on the person, not to exceed \$500 per violation.
- Establishes requirements an individual must satisfy to obtain a license under the bill and requires the Superintendent to have fingerprint-based criminal records checks conducted on applicants for licensure.
- Requires the Board to adopt specified rules for the bill's administration and to approve the education and experience curricula specified in the bill and the examination an applicant must pass for initial licensure.
- Specifies duties for the Superintendent that include approving continuing education providers, courses, and programs in accordance with the Board's rules and issuing and renewing licenses.
- Requires the Superintendent to investigate complaints of violations of the bill and grants the Superintendent and the Board subpoena power in relation to any matter over which the Board or Superintendent has jurisdiction and which is the subject of inquiry and investigation by the Board or Superintendent.
- Specifies disciplinary actions to which a licensed home inspector may be subject for violating the bill's provisions and allows for mediation before an investigation and settlement agreements prior to an adjudication hearing.
- Limits lawsuits brought under the bill to those actions available under common law. Specifies that the disciplinary actions against a licensed home inspector are the only remedies for a violation of a conflict of interest prohibition.
- Creates the Home Inspection Recovery Fund administered by the Superintendent for the purpose of satisfying certain judgments against a licensed home inspector when the judgment creditor has exhausted other avenues for recovery.
- Creates the Home Inspectors Fund in the state treasury to be used solely to pay expenses for administering and enforcing the bill's provisions.

Additional Information

- **Policy Advisor:** Jimmy Wolf, 614-466-6505, jimmy.wolf@ohiohouse.gov

H.B. 543 (PERALES, HAMBLEY)

Allow prosecutor to contract to give outside legal advice

House Co-Sponsors: Arndt, Becker, Butler, Carfagna, Holmes, Miller, O'Brien, Patterson, Riedel, Seitz, Thompson

Bill History

- 3/7/18 – Introduced
- 5/22/18 – Reported by House State and Local Government Committee (3 Hearings), (11-0)
- House Floor Vote Pending

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Russ Kline (Dayton International Airport)• Stacey Heaton (Ohio Aviation Association)• Josh Tattrie (Allen County Regional Airport)• Brian Martin (Ohio Association of Regional Councils)		

Key Provisions

- Authorizes a county prosecuting attorney, in the attorney's discretion and with the approval of the board of county commissioners, to enter into a contract with a regional airport authority, port authority, or regional planning commission to be its legal adviser.
- Allows the county prosecuting attorney to charge a fee for legal services agreed to under the contract.

Additional Information

- **Policy Advisor:** Lisa Griffin, 937-554-6372, Lisa.Griffin@ohiohouse.gov

Updated June 15, 2018

SUB. H.B. 500 (CARFAGNA)
Change township law

House Co-Sponsors: Arndt, Hambley, Hill, Lang, LaTourette, Patton, Schaffer, Scitz, Stein, Ginter

Bill History

- 5/29/18 – House State and Local Government Committee (6 hearings), (14-0)
- 6/15/18 – House Floor Vote Pending

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Heidi Fought – Ohio Township Association• Christopher Betts – Delaware Co. Prosecuting Attorney's Office• Michael Hampton – Springfield Twp.• Larry Moliterno – Boardman Twp.• Coalition of Large Ohio Urban Twp.• Joseph Honerlaw – Springfield Twp• Clara Tilford – Sugarcreek Twp.• John Eisel – Violet Twp.• Vicky Earhart – Anderson Twp.• Jeffrey Ferrell - Perkins Twp.• Robert Kroshefsky – Taylor Twp.• Randy Gonzales & Michael Vaccaro – Jackson Twp.• Daniel Frederick – Milan Twp.• Tina Karres – Vermillion Twp.• Tom Farrell – Liberty Twp.	<ul style="list-style-type: none">• Chief Porter Welch – Ohio Fire Chief's Assoc.	<ul style="list-style-type: none">• Adam Schwiebert – County Commissioners Assoc. of Ohio• Dean Ringle & John Leutz – County Engineers Assoc. of Ohio & County Commissioners Assoc. of Ohio

Key Provisions

Township changes

- Requires a board of township trustees to select a chairperson annually.
- Eliminates the requirement that a township's annual inventory be filed with the county engineer.
- Increases, from \$2,500 to \$10,000, the obligations a board of township trustees may authorize its officers and employees to incur on behalf of the township.
- Increases, from \$5,000 to \$50,000, the amount of township funds that may be spent to erect a monument to commemorate members of the armed forces who died in service to the United States or Ohio.

Updated June 15, 2018

- Authorizes a board of township trustees of a township that is an owner of an oil and gas well to comply with liability coverage requirements by participating in a joint self-insurance pool in accordance with the law governing those pools.
- With regard to a petition to change the name of a township road submitted to a board of county commissioners, specifies that the name of the road automatically changes if the board does adopt a resolution regarding the petition within 60 days after receiving it.
- Prohibits a board of county commissioners from adopting a resolution to vacate a public road that is a township road unless the applicable board of township trustees has adopted a resolution approving the vacation.
- Eliminates the limitation on the types of platted subdivisions concerning which a county or township may adopt a zoning resolution to regulate agriculture.
- Requires a hearing for removal of a township zoning commission or township board of zoning appeals member to occur not later than 60 days after the charges are filed against the member, and allows a board of township trustees to suspend a member during that time.
- Specifies that a member of a township zoning commission or township board of zoning appeals who is suspended or removed may appeal the decision under the Local Government Administrative Appeals Law.
- Authorizes a board of township trustees to impose, upon a person who appeals a zoning decision to the board of zoning appeals, a fee to defray the cost of advertising, mailing, and other expenses.
- For limited home rule townships only, makes permissive the current law requirement that a township submit a proposed zoning amendment or resolution to a planning commission for approval, disapproval, or suggestions.
- Allows a township to require reimbursement of township police, fire, emergency medical, and ambulance levy revenue foregone because of the creation of a township tax increment financing (TIF) incentive district.
- Authorizes certain townships to use TIF payment-in-lieu-of-tax revenue to pay the expenses of maintaining any infrastructure project that was financed with such revenue.

Miscellaneous

- Repeals provisions of law allowing the vacation of lots outside of a municipal corporation.
- Eliminates the requirement that the total acreage in certain new community districts be not less than 1,000 acres.
- Beginning in 2021, allows political subdivisions to certify to the board of elections, in electronic form, a question or issue to be placed on the ballot.
- Allows a political subdivision to levy a single property tax for a variety of capital expenses.

Additional Information

- The committee accepted 5 amendments:
 - #1778 – removed a provision that would have allowed a board of township trustees or a board of fire district trustees to designate a legal counsel, rather than a private citizen as under current law, to investigate a member of a fire department of a township or joint fire district for purposes of removal.
 - #1777- Limited a provision from all townships to just limited home rule townships that makes permissive the current law requirement that a township submit a proposed

Updated June 15, 2018

zoning amendment or resolution to a planning commission for approval, disapproval, or suggestions.

- #1776 – Removed a provision that would have authorized a township to levy an admissions tax of up to 5% on amounts charged for admission to locations in the township.
- #2000 – Allows a municipality, in addition to a township under the bill, to levy a tax for any combination of the following purposes: acquiring, constructing, or maintaining buildings and equipment for police, fire, and emergency medical services; constructing or repairing roads and bridges; and general infrastructure improvements
 - The amendment also allows a county to levy a tax for any combination of the following expenses: constructing and repairing roads and bridges; maintaining and operating a county home, jail, detention facility, or sewage disposal facility; funding the county's share of the cost of operating schools, detention facilities, and forestry camps; preparing for flood defense; constructing and maintaining drainage improvements; establishing and operating a 9-1-1 system; acquiring, constructing, and maintaining county facilities; and acquiring or improving land
- #1901 – The bill allows political subdivisions to certify to the board of elections, in electronic form, a question or issue to be placed on the ballot. The amendment changes the date this change begins from the effective date of the bill to 2021.

- **Policy Advisor:** Lisa Griffin, 937-554-6372, lisa.griffin@ohiohouse.gov

H.B. 36 (VITALE)

Allow minister not to solemnize marriages contrary to beliefs

House Co-Sponsors: Wiggam, Romanchuk, Patmon, Brinkman, Roegner, Henne, Butler, Antani, Merrin, Hagan, Rutherford, Conditt, Keller, Zeltwanger, Young, Becker, Brenner, Householder, Dean, Schaffer, Hood, Koehler, Riedel, Sprague, Goodman, Thompson, Hill

Bill History

- 6/26/2018 – House Community and Family Advancement Committee (5 Hearings), (*pending*)
- House Floor Vote (*pending*)

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Boniface Endorf (St. Patrick Church)• Dan Wolvin (North Columbus Baptist Church)• Bill Giallourakis (Columbia Road Baptist Church)• Chris Long (Ohio Christian Alliance)• Troy Kline (Bible Truth Baptist Church)• Brian Van Aman (Pickerington Baptist Temple)• Paul Norton (Faith Baptist Church)• Alfred Davis (Richfield Bible Baptist Church)• Kevin Folger (Cleveland Baptist Church)• Gary Click (Fremont Baptist Temple)	<ul style="list-style-type: none">• Rev. Aaron Maurice Saari (First Presbyterian Church of Yellow Springs)• State Rep. Nickie Antonio• Rev. Virginia Lohmann Bauman (St. John's Evangelical Protestant Church)• Pastor April Blaine (Hilliard UMC)• Rev. Joseph Cherry (Unitarian Universalist Society of Cleveland)• Rev. Dwight Davidson (The United Church of Granville)• Rev. Dr. J. Bennett Guess (United Church of Christ)	<ul style="list-style-type: none">• Professor Marc Spindelman (The Ohio State University)•

<ul style="list-style-type: none">• Robert Kurtz (Mansfield Baptist Temple)• Pastor Daniel Berdine (Greenville Baptist Temple)• Pastor Neal Dearyan (Chili Crossroads Bible Church)• Stephen M.; Haines (Two Rivers Community Church)• Terry Lee Hamilton (Lighthouse Legal Ministries)• Pastor Timothy Huth (Stow Falls Baptist Church)• Pastor Brian D. Kershaw (East Dayton Baptist Church)• Pastor Robert J. Kurtz (Mansfield Baptist Temple)• Rev. Matthew Lee (Champaign County Catholic Churches)• Asst. Pastor Jonathan Marshall (Hope Baptist Church)• Pastor Johnathan Newman (Koinos Christian Fellowship)• Pastor Daniel R. Novy (Grand River Baptist Church)• Pastor Linden Orr (Lighthouse Baptist Church)• Dr. Richard Powers Sr. (Grace Baptist Church)	<ul style="list-style-type: none">• Alana Jochum (Equality Ohio)• Rebecca Phillips (The National Association of Social Workers Ohio Chapter)• Rev. Deborah L. Saxe (First Christian Church)• Rev. Deborah K. Stevens (United Methodist Church)• Rev. James Waugh• Lisa Wurm (ACLU of Ohio)• Tess Stuber• Douglas Berger (Secular Coalition for Ohio)• Rev. Ian Lynch (Old South Church of Christ)• Rev. Dr. Julie Faith Parker, Ph.D.	
--	--	--

<ul style="list-style-type: none">• Pastor Joel Royalty (Broadview Heights Baptist Church)• Pastor Tim Throckmorton (Crossroads Church)• Jim Tobin (Catholic Conference of Ohio)• Shane C. Vandergrift (Hope Baptist Church)• Pastor Daniel Williams (Arrowbrook Baptist Church)• Pastor Joe Williams (Victory Baptist Church)• Pastor Daniel L. Wolvin (Awake America Ohio)• Pastor Coetta L. Bynum (The Truth Christian Service Center)• Pastor Mark Carpenter (Capitol City Baptist Church)• Dr. Phil Clayton (Village Baptist Temple)• Pastor Gary N. Click (Fremont Baptist Temple)• Pastor Gregory A. Davis (Southwest Baptist Church)• Melanie D. Dray• Rev. Matthew Ferguson (Bible Baptist Temple)• Pastor Thomas M. Gresham (Liberty Baptist Church)		
--	--	--

<ul style="list-style-type: none">• Pastor Daneil E. Hamilton (Lakeland Baptist Temple)• Pastor John Herdman (Grace Baptist Church)• Dr. Terrell Hudson (Moraine Heights Baptist Church)• Pastor Brad A. Ingram (Truth Baptist Church)• Kaithy Johnson• Pastor John Jones (Lighthouse Baptist Church)• Pastor Josiah Kagin (Grace Baptist Church)• Rev. Matt Keller (Calvary Baptist Church)• Pastor John A. Lutz (Northcoast Baptist Church)• Richard L. Mast Jr. (Liberty Counsel)• Pastor John McCaw (First Baptist Church Medina)• Pastor Max McKanna (Crusade Baptist Church)• Pastor Floyd Radebaugh (Calvary Bible Baptist Church)• Pastor Bill Rains (Mission Baptist Church)• Pastor Rick Rust (Liberty Baptist Church)		
--	--	--

<ul style="list-style-type: none">• Rev. Steven L. Schag (Calvary Baptist Church)• Pastor James Smith (Mount Vernon Baptist Temple)• Pastor Chet Sweet (First Baptist Church of New Richmond)• Paula Westwood (Right to Life of Greater Cincinnati)		
--	--	--

Key Provisions

- Specifies that no ordained or licensed minister and no religious society is required to solemnize a marriage or allow property to be used to host a marriage ceremony if the marriage does not conform to the minister's or society's sincerely held religious beliefs.
- Provides that a minister or society that refuses to solemnize a marriage or allow its property to be used to host a ceremony for that reason is immune from civil or criminal liability.
- Prohibits the state or a political subdivision from penalizing or withholding any benefit or privilege from such a minister or society, including any governmental contract, grant, or license.
- States that the bill is the Ohio Pastor Protection Act.

Additional Information

- **Amendments accepted in committee:**
AM0028 (Vitale)
 - Adds the following statement into uncodified law in section 4 of the bill:
"Nothing in this bill is intended to or shall be construed to limit or abrogate any rights conferred on ordained or licensed ministers or religious societies by the Ohio Constitution or the United States Constitution."
- **Policy Advisor:** Steven Alexander, 740-804-3213,
steven.alexander@ohiohouse.gov

H.B. 126 (BOYD, REZABEK)
Require region-based kinship caregiver navigator program

House Co-Sponsors: Seitz, Ramos, Boggs, Ashford, Smith, K., O'Brien, Kennedy-Kent, Lepore-Hagan, Craig, Antonio, Miller, Reece, Boccieri, Sykes, Howse, Ginter, LaTourette

Bill History

- 5/29/2018 – Reported (13-0) by House Community and Family Advancement Committee (6 Hearings)
- 6/5/2018 – Referred to House Finance Committee
- 6/16/2018 – Reported (26-0) out of House Finance (2 hearings)

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Mary Wachtel (PCSAO)• Patrick Donovan (Muskingum County Adult and Child Protective Services)• Tim Harless (Richland County Children Services)• Denise St. Clair (Ohio Family Care Association)• Quo Vadis Ellision (Northern Ohioans for Budget Legislation Equality – NOBLE)• Phylene Thomas (Northern Ohioans for Budget Legislation Equality – NOBLE)	<ul style="list-style-type: none">• None	<ul style="list-style-type: none">• None

Key Provisions

- Requires, rather than permits as is the case under current law, the Department of Job and Family Services (ODJFS) to establish a statewide kinship care navigator program.
- Requires the Director of ODJFS to divide the state into as few as five, or as many as 12, regions for the kinship care navigator program, based upon the population, number of kinship caregivers, expertise of navigators, and any other relevant factor.
- Requires each kinship care navigator region to provide information and referral services and assistance in obtaining support services for kinship caregivers within its region.
- Specifies that the program receive funding through the General Revenue Fund to the extent that the funds are appropriated and requires the Director to take any

action necessary to obtain federal funds available for the program under Title IV-E of the Social Security Act.

- Requires ODJFS to pay the full nonfederal share for the program and provides that county departments of job and family services and public children services agencies are not responsible for the cost of the program.
- Requires the Director to adopt rules to implement the kinship care navigator program not later than one year after the bill's effective date.

Additional Information

- **Sub Bill Accepted in House Community & Family Advance Committee:** *(132_0516-2), (Boyd)*
 - Removes provision including the Kinship Care Navigator Program as a Title IV-A program funded with TANF Block Grant funds
 - Removed the provision requiring JFS to submit an amendment to the state plan to the US HHS Secretary to make kinship care a Title IV-A program
 - Requires the Kinship Care Navigator Program to be funded to the extent that GRF funds are available
 - Requires JFS to take action to obtain any available Title IV-E funds of the Social Security Act to fund the Kinship Care Navigator Program
 - Updates nomenclature from Kinship Caregiver Program to Kinship Care Navigator Program and removes the requirement that JFS pay for the “full amount” of the nonfederal share of the program
- **Amendment Accepted in House Finance Committee:** *(AM2524)*
 - Appropriates \$5M to the Kinship Care Navigator Program
- **Policy Advisor:** Steven Alexander, 740-804-3213, steven.alexander@ohiohouse.gov

H.B. 156 (SCHURING)
Address vision care insurance limits

House Co-Sponsors: Rutherford

Bill History

- 4/12/2018 – House Insurance Committee (7 Hearings), (11-0)
- House Floor Vote (*pending*)

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Justin Tallman• Jon Peak• Keith Kerns (Ohio Optometric Association)• Julian Roberts (National Association of Vision Care Plans)• Dr. Beckie Brown (Ohio Optometric Association)	<ul style="list-style-type: none">• Miranda Motter (Ohio Association of Health Plans)• Brandi Slaughter (Voices for Ohio's Children)• Nikki Skaggs (Union Benefits Trust)• Joshua Keepes (America's Health Insurance Plans)• Joe Wende (Eye Med)• Bill Moore (Davis Vision)	<ul style="list-style-type: none">• Keith Lake (Ohio Chamber of Commerce)• Lora Miller (Ohio Council of Retail Merchants)•

Key Provisions

- Prohibits specified terms from being included in health care contracts between a vision care provider and a contracting entity (any person that has the primary business purpose of contracting with participating providers for the delivery of health care services).
- Prohibits a contracting entity from requiring that a vision care provider accept a payment amount set by the contracting entity for vision care services or materials unless those services or materials are covered services.
- Imposes disclosure requirements on health insurers and on vision care providers regarding vision care services and materials that are not covered services.
- Imposes disclosure requirements on vision care providers regarding vision care materials and services that are out-of-network.
- Makes a violation of the above provisions an unfair and deceptive act in the business of insurance.

- Subjects providers who violate the above disclosure requirements to professional discipline.

Additional Information

- **Sub bill accepted in committee:** *132_0895-5* (Henne) Accepted without objection
 - In addition to other information that the plan must disclose to the enrollee, the plan must also explain that the enrollee may incur out-of-pocket expenses as a result of the purchase of non-covered vision care services
 - Rather than outright prohibiting contract provisions between a provider and plan regarding a provider accepting fee schedules for non-covered services, the sub bill retains the prohibition but also allows the provider to “choose to accept as payment” the “amount set by the contracting entity for vision care services that are not covered...”
 - States that the decision on whether the plan contracts with the provider cannot be contingent on whether or not the provider accepts the fee schedule for non-covered services
 - Permits the plan to communicate to the enrollees the providers which have opted to accept the plan’s fee schedule for non-covered services
 - Clarifies that the provisions of the bill shall be effective for policies entered into or amended or renewed on or after January 1, 2019\
 - Adds additional things which the provider must disclose to the enrollee prior to providing non-covered services
 - Clarifies that certain actions not intended to be prohibited by the bill shall not be deemed to be prohibited by the bill
 - States that it is a violation for a plan to repeatedly fail to notify enrollees of the information required by the bill.
- **Policy Advisor:** Steven Alexander, 740-804-3213,
steven.alexander@ohiohouse.gov

H.B. 240 (BARNES)
Require state higher education to adopt sex offense policies

House Co-Sponsors: Duffey, Perales

Senate Co-Sponsors: N/A

Bill History

- 5/24/2017 – Introduced
- 4/11/2018 – Reported unanimously from House Higher Education and Workforce Development Committee (5 Hearings)

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Jennifer Schoewe (self)• Daniel Palmer (Wright State University's Student Government Association)• Cleveland State University Student Government Association		

Key Provisions

- Requires each state institution of higher education to adopt a policy with regard to dating violence, domestic violence, sexual assault, stalking, and rape on campus, which must include a procedure for reporting, and the consequences for committing, such incidents.
- Requires each state institution of higher education to keep a record of all reports of incidents that it receives.
- Requires each state institution of higher education annually to distribute copies of the institution's policy during student orientation and other appropriate events and to post copies of the policy in multiple, prominent locations across campus and on the institution's website.
- Designates the month of April as "Respect Your Date Month" to increase public awareness of dating violence, domestic violence, sexual assault, stalking, and rape on college campuses.
- Entitles the act the "Respect Your Date Act."
- Declares an emergency.

Additional Information

- **Policy Advisor:** Nick Derksen, 614.466.2361 (Office); 937.602.2174 (Cell);
nick.derksen@ohiohouse.gov

SUB. H.B. 349 (LATOURRETTE)
Increase and expand crime of assaulting a police animal

House Co-Sponsors: Manning

Senate Co-Sponsors: N/A

Bill History

- 9/19/17 – Introduced
- 10/10/17 – Referred to House Criminal Justice Committee
- 5/23/18 – Reported unanimously (13-0) by House Criminal Justice Committee (5 hearings)

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Dr. Robert Davis• Alice Ault (Miami Valley Mounted Search and Rescue)• Janelle Hideg (Midwest K9 Search Unit)• Jerry Whaley (Buckeye Emergency Response Training School)	<ul style="list-style-type: none">• n/a	<ul style="list-style-type: none">• n/a

Key Provisions (From LSC Bill Analysis “As Reported by House Committee”)

- Includes search and rescue dogs and horses in the prohibitions against assaulting or harassing a police dog or horse.
- Applies the same penalties to assaulting or harassing a search and rescue dog or horse as the penalties for assaulting or harassing a police dog or horse.

Additional Information

- **Changes in House Committee:** The committee accepted a substitute bill, offered by Rep. Jeff Rezabek to restore existing penalties for assault on a police animal and to set the same penalties for assault on search and rescue animal. The committee also accepted an amendment to clarify that "volunteer unit" pertains to a search and rescue unit that consists of a certified volunteer handler.
- **Policy Advisor:** Sheila Willamowski, 614.466.2179 (Office); Sheila.Willamowski@ohiohouse.gov.

H.B. 386 (HENNE, KELLY)
Modify credit reporting agency fees for a credit report freeze

House Co-Sponsors: Rogers, Boggs, Dever, Hambley, Arndt, Riedel, Becker, West, DeVitis, Romanchuk, Smith, K., Leland

Bill History

- 6/19/2018 – House Financial Institutions, Housing, and Urban Development Committee (5 Hearings), (12-0)
- House Floor Vote (*pending*)

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Kalitha Williams (Policy Matters Ohio)• Jim Davee• Brian Flick (DannLaw)	<ul style="list-style-type: none">• Eric Ellman (Consumer Data Industry Association)	<ul style="list-style-type: none">• None

Key Provisions

- Prohibits a consumer credit reporting agency from charging a fee to place a freeze on a consumer's or protected consumer's credit report or to remove or temporarily lift the freeze.
- **Policy Advisor:** Steven Alexander, 740-804-3213, steven.alexander@ohiohouse.gov

SUB. H.B. 425 (ANTANI, CRAIG)
Declare police body camera recordings not to be public records

House Co-Sponsors: Becker, Seitz, Sheehy, Lang

Bill History

- 5/22/18 – Government Accountability & Oversight Committee (3 Hearings)(12-0)
- House Floor Vote Pending

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Gary Daniels – ACLU of Ohio• George Speaks – City of Columbus Dept. of Public Safety• Dennis Hetzel – Ohio News Media Association		

Key Provisions

- Provides that a record created by a body camera worn by a law enforcement officer or a dashboard camera used by a law enforcement officer is a public record, subject to certain exceptions.
- Exempts from disclosure under the Public Records Law certain portions of a body-worn camera or dashboard camera recording, depending on the content of the recording.
- Specifies the circumstances in which any portion of a body-worn camera or dashboard camera recording that is otherwise exempt may be released by consent of the subject of the recording or that person's representative.
- Allows any person to file a mandamus action requesting the court to order the release of all or portions of a recording if a public office has denied a request to release restricted portions of a body-worn camera or dashboard camera recording.
- Specifies that an infrastructure record of a public school is not a public record subject to mandatory release or disclosure under the Public Records Law.

Additional Information

- GAO Committee accepted a substitute bill that:
 - Expands the bill's public record exemptions that apply to body-worn camera recordings to apply also to dashboard camera recordings
 - Defines a "dashboard camera" as a visual and audio recording device mounted on a peace officer's vehicle or vessel that is used while the peace officer is engaged in the performance of the officer's duties
 - Modifies a provision regarding restricted recordings to say that if a body-worn camera or dashboard camera recording shows the death of a person, grievous bodily harm, an act of severe violence, or a nude body, allows the person shown in the recording or a

Updated June 15, 2018

representative of that person to consent to its release only if the recording is not a confidential law enforcement investigatory record

- Exempts from disclosure any portion of a bodyworn camera or dashboard camera recording that shows the image or identity of a child or information that could lead to the identification of a child who is the primary subject of the recording when the law enforcement agency knows or has reason to know the person is a child
- Removes a provision that would have exempted from disclosure any portion of a bodyworn camera recording that shows obscene material
- Exempts from disclosure any portion of a recording that shows a portion of the interior of a private business that is not open to the public, unless an adversarial encounter with, or a use of force by, a peace officer occurs in that location
- Allows any person to file a mandamus action in the appropriate court or file a complaint with the Clerk of the Court of Claims, according to procedures in existing law, to request the release of restricted portions of a body-worn camera or dashboard camera recording
- Corrects the error by changing the term to "health care facility," a term used in one of the public records exemptions
- Removes the definition of "peace officer" previously applicable to the bill's provisions and reverts to the definition currently in the Public Records Law, which includes the Superintendent and Troopers of the State Highway Patrol

• **Policy Advisor:** Lisa Griffin, 937-554-6372, lisa.griffin@ohiohouse.gov

H.B. 428 (GINTER, LATOURETTE)
Enact Ohio Student Religious Liberties Act of 2018

House Co-Sponsors: Antani, Brenner, Brinkman, Hill, Huffman, Johnson, Kent, Koehler, Lang, Lipps, McColley, Patmon, Riedel, Roegner, Romanchuk, Ryan, Schaffer, Scherer, Smith, R., Thompson, Butler

Senate Co-Sponsors: N/A

Bill History

- 11/27/2017 – Introduced
- 5/22/2018 – Reported out of House Education and Career Readiness Committee (13-6)
(4 Hearings)

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Josh Brown (Citizens for Community Values)• Barry Sheets (Citizens for Community Values)• Larry Keough (Catholic Conference of Ohio)	<ul style="list-style-type: none">• Gary Daniels (ACLU)	

Key Provisions

- Requires public schools to give students who wish to meet for the purpose of religious expression the same access to school facilities given to secular student groups, without regard to the content of the expression.
- Removes a provision that permits a school district to limit the exercise or expression of religion to lunch periods or other non-instructional time-periods.
- Authorizes students enrolled in public schools to engage in religious expression before, during, and after school hours in the same manner and to the same extent that a student may engage in secular activities or expression before, during, and after school hours.
- Prohibits public schools from restricting a student from engaging in religious expression in the completion of homework, artwork, or other assignments.
- Prohibits public schools from rewarding or penalizing a student based on the religious content of the student's homework, artwork, or other assignments.
- Designates the bill's provisions regarding religious expression as the "Ohio Student Religious Liberties Act of 2018."

Additional Information

- **Policy Advisor:** Nick Derksen, 614.466.2361 (Office); 937.602.2174 (Cell);
nick.derksen@ohiohouse.gov

Updated June 14, 2018

H.B. 479 (LIPPS/WEST)
Disclose drug price information to patients

House Co-Sponsors: Butler, Smith, K., Vitale, Scherer, Stein, Wiggam, Hambley, Lepore-Hagan, Holmes, Ashford, Koehler

Bill History

- 5/22/18 – Government Accountability & Oversight Committee (4 hearings)(12-0)
- 6/14/18 – House Floor Vote Pending

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Antonio Ciaccia – Ohio Pharmacists Association• Heather Free – Equitas Health• Robert Fowler• Steve Ferris – Discount Drug Mart• Fred Jorgensen – The Academy of Medicine of Cleveland & Northern Ohio• John Covello – Independent Pharmacy Cooperative• Pamela Jacques-Cobb – Epilepsy Foundation• Robert Levin – Alliance for Transparent & Affordable Prescriptions• Holly Pendell – National Multiple Sclerosis Society• Stephen Marmaras – Global Healthy Living Foundation• David Mitchell – Patients for Affordable Drugs Now• Dave Dillahunt – Ohio Hematology Oncology Society• Allie Jo Shipman – National Community Pharmacists Association	n/a	n/a

Key Provisions

- Prohibits health plan issuers and third party administrators from requiring, or directing pharmacies to collect, cost-sharing beyond a certain amount from individuals purchasing prescription drugs.
- Prohibits issuers and administrators from retroactively adjusting pharmacy claims other than as a result of a technical billing error a pharmacy audit.
- Prohibits issuers and administrators from charging claim-related fees unless those fees can be determined at the time of claim adjudication.
- Requires the Department of Insurance to create a web form for consumers to submit complaints relating to violations of the bill.
- Provides for license or certificate of authority suspension or revocation and monetary penalties for failure to comply with the bill.
- Requires pharmacists, pharmacy interns, and terminal distributors of dangerous drugs to inform patients if the cost-sharing required by the patient's plan exceeds the amount that may otherwise be charged and prohibits those persons from charging patients the higher amount.

Additional Information

- **Policy Advisor:** Lisa Griffin, 937-554-6372, lisa.griffin@ohiohouse.gov

H.B. 480 (HILL)
Establish requirements for multi-parcel auctions

House Co-Sponsors: Scherer, Seitz
Senate Co-Sponsors: N/A

Bill History

- 1/24/18 – Introduced
- 1/30/18 – Referred to House Civil Justice Committee
- 5/22/18 – Reported unanimously (11-0) by House Civil Justice Committee (3 hearings)

Stakeholders

Proponent	Opponent	Interested Party
• Scott Mihalic (Ohio Auctioneers Association)	• n/a	• n/a

Key Provisions (From LSC Bill Analysis “As Reported by House Committee”)

- Authorizes the Department of Agriculture to specifically regulate multi-parcel auctions.
- Specifies that a multi-parcel auction is any auction of real or personal property in which multiple parcels or lots are offered for sale in various amalgamations, including as individual parcels or lots, combinations of parcels or lots, and all parcels or lots as a whole.
- Requires a contract for a multi-parcel auction to include a statement that specifies that the auction will be a multi-parcel auction.
- Requires all advertisements for a multi-parcel auction to state that the auction will be offered in various amalgamations, including as individual parcels or lots, combinations of parcels or lots, and all parcels or lots as a whole.
- Authorizes an auctioneer or auction firm to advertise an absolute auction as a multiparcel auction if the auctioneer complies with requirements governing advertising, sales, and bidding established in current law and by the bill.
- Authorizes the Department to deny, refuse to renew, suspend, or revoke an auctioneer license for both of the following:
 - Specifying that an auction is a multi-parcel auction, but not conducting the auction as specified; and
 - Failing to display a notice conspicuously at the clerk's desk or on a bid card that clearly states an explanation of the multi-parcel auction process.

Additional Information

- **Changes in House Committee:** no changes were made in House Committee.
- **Policy Advisor:** Sheila Willamowski, 614.466.2179 (Office);
Sheila.Willamowski@ohiohouse.gov.

H.B. 497 (ROGERS, MANNING)
Prohibit disseminating private sexual images

House Co-Sponsors: None

Bill History

- 6/6/2018 – House Community and Family Advancement Committee (4 Hearings), (13-1) (*Vitale*)
- House Floor Vote (*pending*)

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Belinda Barry (Battling Against Demeaning and Abusive Selfie Sharing)• Rachel Lamp• Crissy Kolarik• Katelyn Bowden• Char Hill	<ul style="list-style-type: none">• None	<ul style="list-style-type: none">• None

Key Provisions

- Prohibits nonconsensual dissemination of private sexual images with intent to harm the individual in the image.
- Makes a first offense a first degree misdemeanor, a second offense a fifth degree felony, and a third or subsequent offense a fourth degree felony.
- Allows nonconsensual dissemination of private sexual images for specified purposes.
- Exempts certain entities from liability for nonconsensual dissemination of private sexual images if the image or information was provided by a third party.
- Requires a convicted offender to forfeit all property that was acquired or maintained in connection with the nonconsensual dissemination of private sexual images.
- Creates a civil action for nonconsensual dissemination of private sexual images in which the victim may file against the convicted offender and be awarded an injunction or temporary restraining order, compensatory damages, punitive damages, reasonable attorney's fees, and costs of bringing the action.
- Prohibits an institution of higher learning from considering that an applicant or student is a victim of nonconsensual dissemination of private sexual images when providing financial assistance.

- Prohibits an institution of higher learning from disciplining a student because the student is a victim of nonconsensual dissemination of private sexual images.
- Prohibits a licensing authority from refusing to license or renew a license or limiting, suspending, or revoking a license because the individual is a victim of nonconsensual dissemination of private sexual images.
- Makes a violation involving the transmission of private sexual images under certain specified circumstances a third degree misdemeanor.

Additional Information

Amendments Accepted in Committee

AM2136 (LaTourette)

- Removes provisions of the bill that would have required employers to make reasonable accommodations for victims of this bill

Policy Advisor: Steven Alexander, 740-804-3213, steven.alexander@ohiohouse.gov

SUB. H.B. 502 (ANIELSKI)
Train public school educators about youth suicide

House Co-Sponsors: Schuring, West

Senate Co-Sponsors: N/A

Bill History

- 2/13/2018 – Introduced
- 5/22/2018 – Reported from House Education and Career Readiness Committee (19-0)
(3 Hearings)

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Krista Hussar (Canton Local Schools/South Stark County Career Academy)		

Key Provisions

- Requires certain public school employees to undergo training in youth suicide awareness and prevention programs once every two years.

Additional Information

- **Substitute Bill:** A substitute bill was accepted that changed the requirement from annually to once every two years.
- **Policy Advisor:** Nick Derksen, 614.466.2361 (Office); 937.602.2174 (Cell); nick.derksen@ohiohouse.gov

H.B. 511 (LANESE, ROGERS)
Change age at which can marry

House Co-Sponsors: Rezabek, Antonio, Fedor, LaTourette

Bill History

- 5/16/2018 – House Community and Family Advancement Committee (4 Hearings), (11-0)
- House Floor Vote (*pending*)

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Sarah Wolf-Knight (Dayton YWCA)• Jeanne Smoot (The Tahirih Justice Center)• Erin Ryan (The Ohio Women's Public Policy Network)• Camille Crary (Ohio Alliance to End Sexual Violence)	<ul style="list-style-type: none">• None	<ul style="list-style-type: none">• None

Key Provisions

- Modifies the statutory specification of the age at which persons may marry, to generally provide that only persons of the age of 18 years, not nearer of kin than second cousins, and not having a husband or wife living, may marry.
- Provides an exception for a 17-year-old to marry if he or she obtains consent from the juvenile court and the other person is not more than four years older.
- Institutes a 14-day waiting period for a marriage involving a 17-year-old.
- Requires documentary proof of age for any person seeking a marriage license.

Additional Information

Amendments Accepted in Committee

AM1468X (LaTourette) (Antani objection) Motion to amend successful (6-4)

- Requires proof of age to be submitted by a person seeking a marriage license
- Lists documentation accepted for verifying age including birth certificate, passport, immigration records, state ID, school issued ID card, and baptismal record
- Note: Rep. Antani's objection was based on the baptismal record being an acceptable document to verify age. It is worth noting that under continuing law a certificate of baptism or other religious record can be used for public school admission as well as for the school to issue a school-issued ID (ORC 3331.02)

and 3313.672. Therefore, even if baptismal record were removed, the possibility remains that a school-issued ID could still be based on the baptismal record.

AM1729 (LaTourette) accepted without objection

- Clarifies that in order for 17 year olds to obtain a marriage license, the juvenile court must file a consent to marriage even if only one of the person's getting married is 17 years of age
- Requires the probate court to wait 14 days after receiving the consent to marriage from the juvenile court before granting the marriage license
- Requires the juvenile court to consult with certain people in determining whether or not to grant the consent to marriage to a 17 year old (rather than just consider consulting with them)
- Requires the juvenile court to determine certain things when deciding whether or not to grant the consent to marriage to a 17 year old such as:
- Whether the 17 year old intending to marry is in the US armed services or has become self-employed and self-subsisting
- Whether the 17 year old intending to marry is doing so free from force or coercion
- Whether the intended marriage and emancipation is in the best interest of the 17 year old
- States that when the juvenile court files a consent to marriage for a 17 year old, the 17 year old is granted capacity of an 18 year old except that he or she cannot vote

Policy Advisor: Steven Alexander, 740-804-3213, steven.alexander@ohiohouse.gov

AM. H.B. 540 (GAVARONE, MANNING)
Regards teacher evaluations

House Co-Sponsors: N/A

Senate Co-Sponsors: N/A

Bill History

- 3/6/2018 – Introduced
- 5/22/2018 – Reported from House Education and Career Readiness Committee (17-2 *Hood, Ramos*) (4 Hearings)

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Melissa Cropper (OFT)• Jonathan Juravich (“Ohio Teacher of the Year”)• Jeanne Cerniglia (Ohio Educator Standards Board)• Becky Higgins (OEA)		

Key Provisions

- Requires the Department of Education to revise the state framework for teacher and administrator evaluations, based on the recommendations of the Educator Standards Board, and to submit a summary of its revisions to the State Board of Education for review.
- Requires the State Board to adopt the revised framework by May 1, 2019, and requires school districts to update their teacher evaluation policies by July 1, 2019.
- Makes several changes to the specifications for the revised framework, including eliminating the requirement that student academic growth count for half of an evaluation, prohibiting the use of student learning objectives, prohibiting the use of shared attribution, and requiring professional growth plans or improvement plans.
- Eliminates the alternative evaluation framework.

- Specifies that the revised framework does not take effect until the 2019-2020 school year and establishes a one-year pilot program for the 2018-2019 school year in order to guide implementation.
- Repeals a current law provision that requires public school teachers of core subject areas to take exams to prove their knowledge of the subject when certain circumstances are triggered.

Additional Information

- **AM1918**
 - This amendment lines up with the Ohio Teacher Evaluation System language agreed upon by the relevant stakeholders found in Am. Sub. S.B. 216. (See *Key Provisions*)
- **Policy Advisor:** Nick Derksen, 614.466.2361 (Office); 937.602.2174 (Cell); nick.derksen@ohiohouse.gov

Sub. H.B. 572 (SCHERER, HOWSE)
Regards PERS service credit for nonteaching DD board employees

House Co-Sponsors: Schuring, Antonio, Boccieri, Brenner, Dever, Patterson, Ramos

Senate Co-Sponsors: N/A

Bill History

- 3/22/2018 – Introduced
- 5/31/2018 – Reported from House Aging and Long-Term Care Committee (11-0)
(3 Hearings)

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Robert Davis (Ohio Education Association)• Erich Bittner (Ohio Association of County Boards of Developmental Disabilities)• Beth Tumblin (citizen)• Lisa Stanley (Ashland County Board of DD)• Lynette Hardesty (Coshocton County Board of DD)• Tara Kehl (Coshocton County Board of DD)		

Key Provisions

- Requires the Public Employees Retirement System Board to grant a full year of service credit to a member employed as a nonteaching school employee of a county board of developmental disabilities if the member performs full-time services in the position for at least nine months of the year and is paid earnable salary in each month of that year.

Additional Information

- Substitute Bill

- The substitute bill allows for any eligible PERS member with a developmental disability to receive their service credit since January 1, 2017. The substitute bill also placed in uncodified law, not later than 90 days after the effective date each county who employs an individual impacted by the act, shall submit to Public Employees Retirement System an amended payroll report in the form required by the public employees retirement board for the time period January 1, 2017 to present.
- **Policy Advisor:** Nick Derksen, 614.466.2361 (Office); 937.602.2174 (Cell); nick.derksen@ohiohouse.gov

SUB. H.B. 595 (CUPP, REZABEK)
Revise law of wills, trusts, and suspicious deaths

House Co-Sponsors: Seitz, Riedel, Manning

Senate Co-Sponsors: N/A

Bill History

- 4/10/18 – Introduced
- 5/15/18 – Referred to House Civil Justice Committee
- 6/7/18 – Reported unanimously (12-0) by House Civil Justice Committee (3 hearings)

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Judge Jan Michael Long (Ohio Judicial Conference)• Michael Renne (Dinsmore & Shohl, LLP)• Judge Robert Montgomery (Franklin County Probate Court)• Patricia Laub (Ohio State Bar Association)	<ul style="list-style-type: none">• n/a	<ul style="list-style-type: none">• n/a

Key Provisions (From LSC Bill Analysis “As Reported by House Committee”)

- Specifies the coroner's duties with regards to a deceased person, including notifying the person who has been assigned the rights of disposition for the deceased person of the deceased person's death and the disposition of the deceased person's property.
- Disqualifies a person who is convicted of involuntary manslaughter that is not a proximate result of a felony aggravated vehicular homicide or vehicular homicide offense from in any way benefiting by the death of the victim of that offense.
- Provides that if a will incorporates a trust instrument only in the event that a bequest or device is ineffective, the trust instrument must be deposited in the probate court not later than 30 days after the determination that the bequest or device is ineffective.
- Specifies terms that must be used if a testator intends to incorporate a trust instrument in a will.
- Specifies that the exception to the antilapse provisions for wills and trusts only applies to multigenerational class gifts.

- Allows for the creation of a trust for the benefit of a minor beneficiary if the minor is entitled to money or property whether by settlement for personal injury or damage to tangible or intangible property, inheritance or otherwise.
- Allows for the creation of the county probate court guardianship services fund, the multicounty probate court guardianship services fund, and the county or multicounty guardianship services board.
- Provides a procedure for a person entitled to be appointed as a decedent's personal representative to file an application with the probate court to release the decedent's medical records and medical billing records for the limited purpose of deciding whether or not to file a wrongful death claim.
- Specifies that a provision in the terms of a trust, except for a testamentary trust, that requires the arbitration of disputes, other than disputes of the validity of all or part of a trust instrument, is enforceable and unless otherwise specified, the arbitration is presumed to be binding.
- Relocates the provisions regarding determining the validity of a will before the testator's death, creates a procedure for determining the validity of a trust, and makes conforming changes.
- Specifies that the probate division of the common pleas court has exclusive jurisdiction to render declaratory judgments regarding the validity of a trust, but the probate division may transfer the proceeding to the general division of the common pleas court.
- Generally prohibits a person from contesting the validity of any trust as to facts decided if the trust was submitted to the probate court by the settlor during the settlor's lifetime and was declared valid by the court.
- Allows a person to contest the validity of a trust described in the preceding dot point if the person is one who should have been named a party defendant in the action in which the trust was declared valid and if the person was not named a defendant and properly served in that action.

Additional Information

- **Changes in House Committee:**
 - The committee accepted an amendment from Rep. Lanese that requires consent to participate in a guardianship board, according to LSC.
 - The committee accepted an amendment from Rep. Jeff Rezabek that reaffirms one intention of the bill is to allow people to evaluate cases of possible wrongful death or other claims without opening an estate. He said it clarifies what records can be requested under the law and the statute of limitations such requests fall under.
 - The committee accepted an amendment from Rep. Seitz that adds involuntary manslaughter in the commission or attempted commission of a felony to a list of charges that prohibit the guilty party from receiving an inheritance from the victim. He said the amendment

includes exceptions for cases of driving or boating under the influence of drugs or alcohol.

- **Policy Advisor:** Sheila Willamowski, 614.466.2179 (Office);
Sheila.Willamowski@ohiohouse.gov.

S.B. 81 (Terhar)

Revise licensing rules for military personnel concealed carry

Senate Co-sponsors: Coley, Bacon, Balderson, Beagle, Brown, Burke, Dolan, Eklund, Hackett, Hoagland, Hottinger, Huffman, Jordan, LaRose, Lelmer, Manning, McColley, Obhof, O'Brien, Oelslager, Sykes, Thomas, Uecker, Williams, Wilson

House Co-sponsors: Landis, Perales

Bill History

- 3/2/17—Introduced
- 12/6/17—Reported by Senate Judiciary Committee (3 hearings), (9-1)
- 1/17/18—Senate passed (31-2)
- 3/22/18—Reported by House Armed Services, Veterans Affairs, and Homeland Security Committee (3 hearings) (10-1)
- Pending House floor vote

Stakeholders

Proponent	Opponent	Interested Party
Don McCauley (AMVETS Department of Ohio)		

Key Provisions

- Waives the payment of the license fee that is otherwise required to obtain a concealed handgun license for applicants who are active or reserve members of the armed forces of the United States, or who have retired from or were honorably discharged from such military service.
- Caps the waiver of license fees described in the preceding dot point at \$1,500,000 each calendar year.
- Permits an applicant for a concealed handgun license who has retired from or has been honorably discharged from military service to submit evidence of the applicant's military service as proof of competency regardless of the date that the applicant retired or was honorably discharged.
- Permits a licensee who wishes to renew a concealed handgun license to do so at any time before the expiration date of the license.

Additional Information

- **Policy Advisor:** Jimmy Wolf, 614-466-6505, jimmy.wolf@ohiohouse.gov

H.B. 299 (GARDNER, O'BRIEN)
Finance projects for protection of Lake Erie and its basin

House Co-Sponsors: n/a

Senate Co-Sponsors: Peterson, Brown, Manning, Schiavoni, Dolan, Sykes, Hottinger, Eklund, Beagle, Tavares, Balderson, Hackett, Kunze, LaRose, Lehner, Oelslager, Skindell, Thomas, Williams, Wilson, Yuko

Bill History

- 5/9/18 – Introduced
- 6/6/18 – Reported (12-0) by Senate Finance (3 hearings)
- 6/6/18 – Passed (33-0) by Senate
- 6/26/18 – Reported (23-0) by Ohio House Finance Committee (3 hearings)

Stakeholders (Senate witnesses)

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Josh Knights (The Nature Conservancy of Ohio)• Kristy Meyer (Ohio Environmental Council Action Fund)• Tony Seegers (Ohio Farm Bureau Federation)• Ohio Federation of Soil & Water Conservation Districts• Lake Erie Foundation• Mark Drewes (Ohio Corn & Wheat Growers Association)• Scott Metzger (Ohio Soybean Association)• Doug Spencer (County Commissioners Association of Ohio)• Rob Brundrett (Ohio Manufacturer's Association)• Ohio Dairy Producers Association• Ohio Cattlemen's Association	<ul style="list-style-type: none">• n/a	<ul style="list-style-type: none">• n/a

Key Provisions (From LSC Bill Analysis "Passed By The Senate" – see committee amendments below)

Additional appropriations for Lake Erie water quality programs

Main Operating Budget Act

- For fiscal year 2019, appropriates an additional \$3.5 million (for a total of \$6.8 million) under the General Revenue Fund for the Department of Agriculture in the main operating budget.
- Earmarks that additional amount to support county soil and water conservation districts in the Western Lake Erie Basin for staffing costs and to assist in soil testing and nutrient management plan development.

Department of Agriculture – Soil and Water Phosphorous Program

- Appropriates \$20 million during fiscal year 2019 under the General Revenue Fund for the Soil and Water Phosphorus Program in the main operating budget.
- Requires the Department of Agriculture, in consultation with the Lake Erie Commission and the Ohio Soil and Water Conservation Commission, to establish programs that assist in reducing total phosphorus and dissolved reactive phosphorus in the Western Lake Erie Basin.
- Requires priority to be given to sub-watersheds that are highest in total phosphorus and dissolved reactive phosphorus nutrient loading.
- Requires that the \$20 million appropriation to be used to support the following specific programs:
 - The purchase of equipment for (1) subsurface placement of nutrients into the soil, (2) nutrient placement based on geographic information system data, and (3) manure transformation and manure conversion technologies;
 - Soil testing;
 - Implementation of variable rate technology;
 - Tributary monitoring;
 - Water management and edge-of-field drainage management; and
 - An agricultural phosphorus reduction revolving loan program.

Capital budget funding

Department of Higher Education – Sea Grant–Stone Laboratory

- Appropriates \$2.65 million to the Higher Education Improvement Fund for the Sea Grant–Stone Laboratory in the capital budget act for the FY 2019-FY 2020 biennium.
- Earmarks the appropriation to be used by the Ohio Sea Grant Program to construct new laboratory space at Stone Laboratory and to buy new in-lake monitoring equipment, including real-time buoys and water treatment plant monitoring
- Increases the amount of original obligations that the Ohio Public Facilities Commission is authorized to issue and sell by \$2 million, from \$429 million to \$431 million, to pay the costs of capital facilities for state-supported and stat assisted intuitions of higher education.

Department of Natural Resources – Healthy Lake Erie Initiative

- Increases appropriations under Ohio Parks and Natural Resources Fund by \$10 million for a total of \$20 million for the FY 2019-FY 2020 capital biennium.
- Earmarks this additional amount to support projects that enhance efforts to reduce open lake disposal of dredged material into Lake Erie by 2020.
- Increases the amount of original obligations that the Ohio Public Facilities Commission is authorized to issue and sell by \$10 million, from \$24 million to \$34 million, to provide sufficient money to pay costs of capital facilities that enhance the use or enjoyment of Ohio's natural resources.

Additional Information

- **Changes in House Committee:** The committee accepted an amendment that does the following:
 - Conforms the bill to Sub. H.B. 643 by adding the provision that creates a cap of 40% of the \$20 M appropriation that can be used on a single project.
 - Adds Sub. H.B. 508, which establishes the Ohio Corps. Pilot program and makes a \$2.5 M appropriation.
 - Appropriates \$7,165,500 to provide for the local match related to the Major Disaster Declaration by President of the United States on April 17, 2018.
 - Appropriates \$1 M per fiscal year for broadband mapping purposes.
 - Increases the appropriation for the National Guard Scholarship Program by \$1.5 M in FY'19.
 - Provides supplemental payments for public safety services in areas (Carroll and Perry Twps.) that have experienced a reduction of 30% or more in the taxable value of a nuclear power plant between 2016 and 2017. The initial appropriation is for \$740,000. These payments will be phased-out over a 10-year period ending in FY'28.
 - Transfers a \$50,000 capital appropriation from Child Focus Addiction Supervised Visitation Facility in Batavia (the project is no longer moving forward) to the Kelley Nature Preserve Boat Ramp.
- **Senate Companion:** HB 643 (Arndt, Patterson)
- **Policy Advisor:** Heather Blessing, 614.466.9194 (Office); 614.352.5819 (Cell); Heather.Blessing@ohiohouse.gov

SUB. H.B. 355 (HILL/REZABEK)
Prohibits sexting if under 21 but allows diversion from penalty

House Co-Sponsors: Manning

Bill History

- 9/21/17 – Introduced in the House
- 5/22/18 – Favorable passage in House Criminal Justice Committee (4 hearings) (13-0)

House Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Judge Adolfo A. Tornichio (<i>Ohio Judicial Conference</i>)• Claudette Ross (<i>Ohio citizen</i>)	<ul style="list-style-type: none">• Gary Daniels (<i>ACLU</i>)• Louis Tobin (<i>Ohio Prosecuting Attorneys Association</i>)	<ul style="list-style-type: none">• Erin Davies (<i>Juvenile Justice Coalition</i>)

Key Provisions (substitute bill)

Criminal prohibition against sexting

- Prohibits any person under age 19 from creating, distributing, or possessing sexually explicit digital material that depicts a minor through a telecommunications device.
- Provides exceptions to the prohibition above if the minor depicted is the person's self, spouse, or child, or the child of another if the material is possessed or distributed for certain specific lawful purposes.
- Classifies the offense of "possession of sexually explicit digital material" as a first degree misdemeanor punishable by eight hours of community service, unless a judge determines that a different sentence or order of disposition is necessary.
- Provides an affirmative defense to a charge of possession of sexually explicit digital material if the person charged did not solicit the sexually explicit material, did not share the material with others, and deleted or destroyed the material upon receipt.

- Provides that prosecution of a person for possession of sexually explicit digital material does not preclude prosecution of that person for any other offense, except that if the charges involve the same conduct and victim, the person may be convicted of only one of the charges.

Sexting educational diversion program

- Requires courts to offer a sexting educational diversion program for certain qualified persons charged with possession of sexually explicit digital material.
- Sets requirements for the curriculum and conditions of participation for persons who participate in a sexting educational diversion program.
- Allows for dismissal of charges if a person successfully completes the sexting educational diversion program.
- Requires that a person charged with possession of sexually explicit digital material be brought to trial or before the juvenile court if the person refuses to participate in diversion or violates the diversion program's conditions.

Additional Information

- **Policy Advisor:** Sheila L. Willamowski, 614-466-2179,
Sheila.willamowski@ohiohouse.gov

SUB. H.B. 7 (CUPP)
Address medical claims and provider immunities

House Co-Sponsors: Becker, Hambley, R. Smith, Huffman, Schaffer, Stein

Bill History

- 2/1/17 – Introduced in the House
- 5/23/18 – Favorable passage in House Civil Justice Committee (6 hearings)(11-2)(Dever)

House Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Tim Maglione (<i>Ohio State Medical Association</i>)• Bobbie Sprader (<i>Attorney -Bricker & Eckler</i>)• Dr. Michael McCrea (<i>American College of Emergency Physicians</i>)	<ul style="list-style-type: none">• Michael Shroge (<i>Ohio Association for Justice</i>)• Gerry Leeseberg (<i>Ohio Association for Justice</i>)• Sarah Tankersley (<i>Ohio Association for Justice</i>)• Rick Topper (<i>Ohio Association for Justice</i>)	<ul style="list-style-type: none">• No testimony.

Key Provisions (substitute bill)

Qualified immunity for health care providers and EMTs in a disaster

- Generally grants qualified civil immunity to specific types of health care providers and to emergency medical technicians (EMTs) that provide emergency medical services, first-aid treatment, or other emergency professional care as a result of a disaster.
- Provides that the bill does not create a new cause of action or substantive right against a health care provider or EMT and does not affect any civil immunities or defenses to which a health care provider or EMT may be entitled in the provision of those services or that treatment or care.
- Provides that the bill does not grant immunity from tort or other civil liability to a health care provider or EMT for actions that are outside the provider's or EMT's

authority and does not affect a provider's or EMT's legal responsibility to comply with any applicable Ohio law or agency rule.

- Specifies that the immunity applies only to the provision of emergency medical services, first-aid treatment, or other emergency professional care by a health care provider or EMT as a result of a disaster and through the duration of the disaster.
- Specifies that the immunity under the bill does not apply to a tort action alleging wrongful death against a health care provider or EMT who provides emergency medical services, first-aid treatment, or other emergency professional care as a result of a disaster.

Immunity for behavior of mental health patients

- Grants immunity to certain health care professionals or hospitals for failing to discharge from a facility a patient whom the professional or hospital believes in the good faith exercise of professional judgment according to appropriate standards of professional practice has a mental health condition threatening the safety of the patient or others.
- Grants immunity to certain health care professionals or hospitals for discharging a patient whom the professional or hospital believes in the good faith exercise of professional judgment according to appropriate standards of professional practice not to have a mental health condition that threatens the safety of the patient or others.

Medical Malpractice Law

- Clarifies the definition of "medical claim" and applies the provisions described in the following dot points to civil actions based on a medical claim.

Complaint asserting a medical claim

- Specifies the manner of sending, prior to the expiration of the limitation period for the claim, to a person who is the subject of a medical claim the written notice under current law of the claimant's intent to bring that claim.
- Specifically requires the plaintiff to file with the complaint, pursuant to Civil Rule 10(D), an affidavit of merit as to each defendant or a motion to extend the period to file such affidavit.
- Permits the parties, within the period described in the second succeeding dot point, to seek to discover potential medical claims or defendants not included in the complaint.

- Permits the plaintiff, within the period described in the succeeding dot point, to join any additional claim or defendant if the one-year limitation period for that claim had not expired prior to the filing of the original claim.
- Provides that if a complaint is filed prior to the one-year limitation period, the period in which the parties may conduct discovery and the plaintiff may join any additional claim or defendant under the preceding two dot points is equal to the balance of any days remaining from the filing of the complaint to the expiration of that limitation period, plus 180 days from the filing of the complaint.
- Specifies that R.C. 2323.451, which provides for additional claims does not modify or affect any Revised Code provision, common law rule, or Rule of Civil Procedure that applies to the commencement of the limitation period for medical claims asserted after the 180-day period specified in the preceding dot point.
- Provides that R.C. 2323.451, which provides for additional claims after filing the original complaint, may be used in lieu of, and not in addition to, R.C. 2305.113(B)(1) which provides that an action may be brought against a person notified by a claimant considering bringing an action, within 180 days after the notice is given.

Unanticipated outcome of medical care

- Renders inadmissible as evidence of an admission of liability a health care provider's, employee's, or representative's statements expressing error or fault made to the victim of an unanticipated outcome of medical care or the victim's relative or representative that relate to the victim's suffering, injury, or death.
- Provides that if any statements described in the preceding dot point or any statements of apology in continuing law are included in the medical record of the victim, only the portions of the medical record that include those statements are inadmissible as evidence of an admission of liability.
- Generally renders inadmissible as evidence any communications between a health care provider, employee, or representative and a victim, victim's relative, acquaintance, or representative following an unanticipated outcome of medical care and made as part of a good faith review into the cause of the unanticipated outcome.

Standards in federal laws not admissible as evidence in medical claim

- Provides that any guideline or standard under the "Patient Protection and Affordable Care Act" or the "Social Security Act" dealing with Medicare and Medicaid cannot be construed to establish a health care provider's standard or duty of care owed to a patient and is not admissible as evidence in a medical claim.

Insurer's reimbursement policies not admissible as evidence in medical claim

- Provides that any insurer's reimbursement policies or determinations or regulations of the United States Centers for Medicare and Medicaid Services or the Ohio Department of Medicaid regarding the health care services provided to a patient are not admissible as evidence and may not be used to establish a standard of care.

Peer review proceedings

- Permits the Director of Health, during inspection of records from a health care entity, to have on-site access to peer review committee records or, if required by law, to obtain copies of them with the redaction of any patient identifying information or health care provider or entity information.

Additional Information

- **Policy Advisor:** Sheila L. Willamowski, 614-466-2179,
Sheila.willamowski@ohiohouse.gov

SUB. H.B. 92 (SCHAFFER)
Require public indecency before minors offenders to register

House Co-Sponsors: Dean, Becker, Manning

Bill History

- 2/27/17 – Introduced in the House
- 5/22/18 – Favorable passage in House Criminal Justice Committee (5 hearings) (13-0)

House Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Chief Michael W. Tussey (<i>Baltimore Police Department</i>)	<ul style="list-style-type: none">• Niki Clum (<i>Office of the Ohio Public Defender</i>)• Gary Daniels (<i>ACLU of Ohio</i>)	<ul style="list-style-type: none">• No testimony.

Key Provisions (substitute bill)

- Modifies the offense of "public indecency" to prohibit a person, under circumstances in which the person's conduct is likely to be viewed by and affront another person who is in the person's physical proximity, is a minor, and is not the offender's spouse, from knowingly:
 - (1) Engaging in masturbation;
 - (2) Engaging in sexual conduct;
 - (3) Engaging in conduct that to an ordinary observer would appear to be sexual conduct or masturbation;
 - (4) Exposing the person's private parts with the purpose of personal sexual arousal or gratification or to lure the minor into sexual activity.
- Classifies as a "Tier I sex offender/child-victim offender" an offender who is convicted of violating the public indecency prohibition described in (4) above, subject to judicial discretion if the offender is less than ten years older than the other person or has not previously been convicted of the offense.

Additional Information

- **Policy Advisor:** Sheila L. Willamowski, 614-466-2179,
Sheila.willamowski@ohiohouse.gov

SUB. S.B. 66 (EKLUND/TAVARES)
Modify criminal sentencing and corrections law

House Co-Sponsors: Manning, Celebreeze, Rogers

Senate Co-Sponsors: Eklund and Tavares, Schiavoni, Terhar, Thomas, Coley, Williams, Brown, Hoagland, Huffman, Kunze, LaRose, Lehner, McColley, Obhof, O'Brien, Oelslager, Skindell, Sykes, Wilson

Bill History

- 2/28/18 – Favorable passage in Ohio Senate (32-0)
- 5/22/18 – Favorable passage in House Criminal Justice Committee (4 hearings) (13-0)

House Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Gary Mohr (<i>Director – Ohio Dept. of Rehabilitation and Correction</i>)• Fmr. Justice Paul Pfeifer (<i>Ohio Judicial Conference</i>)• Wendy Tarr (<i>Vincentian Ohio Action Network</i>)• Jimmy & Dee Haslam (<i>Owners- Cleveland Browns</i>)• Holly Harris (<i>Justice Action Network</i>)• Mike Randle (<i>Ohio Community Corrections Association</i>)• Niki Clum (<i>Office of the Ohio Public Defender</i>)	<ul style="list-style-type: none">• No testimony.	<ul style="list-style-type: none">• Carol O'Brien (<i>Delaware Co. Prosecutor - Ohio Prosecution Attorneys Association</i>)

Key Provisions (substitute bill)

- Expands the overriding purposes of felony sentencing to include, in addition to the currently stated purposes, the promotion of the effective rehabilitation of the offender.
- Removes the one-year minimum that currently applies when a court sentences an offender to a community control sanction for a fourth or fifth degree felony under the presumption for community control sanctions and expressly authorizes the court to impose a combination of community control sanctions under the provision.
- Provides that a court may impose a new term of up to six months in a community based correctional facility or jail as a penalty for a felony offender who violates a community control sanction condition.
- Allows a sentencing court to place an offender who is subject to community control sanctions under the supervision of any entity authorized to provide probation and supervisory services to the county when there is no county probation department.
- Modifies the manner in which a sentencing court calculates the confinement credit by which the prison term of a felony offender sentenced to prison must be reduced.
- Eliminates a requirement that the sentencing court inform the offender at sentencing that the offender must not ingest or be injected with a drug of abuse and must submit to random drug testing while incarcerated.
- Modifies the criteria that a person must satisfy to be eligible for intervention in lieu of conviction (ILC) and changes the phrasing of a provision that specifies what a court must do after a hearing held to determine whether to grant ILC.
- Expands eligibility for pretrial diversion to include persons charged with certain minor drug offenses when the prosecutor consents to their participation.
- Expands the categories of offenders who are "eligible offenders" for purposes of Ohio's Conviction Record Sealing Law.
- Modifies the procedures for the Adult Parole Authority to grant a final release or terminate post-release control.
- Modifies the criteria for considering a prison term sanction for a post-release control violation.
- Extends the authority of the State Highway Patrol's Superintendent and Troopers to enforce criminal laws to also apply to the Northeast Ohio Correctional Center.
- Modifies the penalty for an employer's failure to remit state income taxes withheld from an employee.
- Allows halfway houses and the Department of Mental Health and Addiction Services to use the validated risk assessment tool selected by the Department of Rehabilitation and Correction (DRC).

- Allows authorized users of the validated risk assessment tool to disclose risk assessment reports to qualified persons and research organizations for research, evaluative, and statistical purposes, subject to written agreements.
- Authorizes the conveyance of state-owned real estate in Madison and Scioto counties currently under the jurisdiction of DRC.

Additional Information

- **Policy Advisor:** Sheila L. Willamowski, 614-466-2179,
Sheila.willamowski@ohiohouse.gov

From: Sarko, Alyssa
Sent: Tuesday, June 26, 2018 2:31 PM
To: Clegg, Brennan
Subject: FW: Bill Briefings Part I
Attachments: Bill Briefing (HB 211-Hughes).pdf; Bill Briefing (HB 543 - Hambley, Perales).docx; Bill Briefing (Sub. HB 500 - Carfagna).pdf; HB 36 Bill Briefing.docx; HB 126 Bill Briefing.docx; HB 156 Bill Briefing.docx; HB 240 Bill Brief-PENDING HOUSE FLOOR.docx; HB 349 (LaTourette) - Bill Briefing.docx; HB 386 Bill Briefing.docx; HB 425 (Antani, Craig) bill briefing 6-15-18.pdf; HB 428 Bill Brief.docx; HB 479 (Lipps, West) bill briefing 6-14-18.pdf; HB 480 (Hill) - Bill Briefing.docx; HB 497 Bill Briefing.docx; HB 502 Bill Brief-PENDING HOUSE FLOOR.docx; HB 511 Bill Briefing.docx; HB 540 Bill Brief-PENDING HOUSE FLOOR.docx; HB 572 Bill Brief.docx; HB 595 (Cupp, Rezabek) - Bill Briefing.docx; SB 81 Bill Briefing (Terhar).pdf; SB 299 (Gardner) - Bill Briefing.docx; Sub HB 355.docx; Sub. HB 7 BB.docx; Sub. HB 92 BB.docx; Sub. SB 66 BB.docx

From: Myers, Marisa
Sent: Tuesday, June 26, 2018 1:58 PM
To: Kerns, Emily <Emily.Kerns@ohiohouse.gov>; Sarko, Alyssa <Alyssa.Sarko@ohiohouse.gov>; Garczyk, Cameron <Cameron.Garczyk@ohiohouse.gov>
Cc: Lundregan, Scott <Scott.Lundregan@ohiohouse.gov>
Subject: Bill Briefings Part I

Marisa Myers

Deputy Policy Director | Majority Caucus
Ohio House of Representatives | 77 S. High Street Columbus, Ohio 43215
p. 614.728.5523 | e. Marisa.Myers@ohiohouse.gov

H.B. 211 (Hughes)

License home inspectors

House co-sponsors: Antani, Edwards, Leland, Cera, Boccieri, Clyde, Smith, K., West

Bill History

- 5/9/17—Introduced
- 2/28/18—Reported substitute from House Economic Development, Commerce, and Labor Committee (5 hearings) (12-2, Hood and Dean no)
- Pending House floor vote

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Robert Fletcher (Ohio Realtors)• Blaine Swan (American Society of Home Inspectors)• Scott Williams (Ohio Realtors)• Pete Kopf (Ohio Realtors)• Anjanette Frye (Ohio Realtors)• Tiffany Meyer (Ohio Realtors)• Chris Reese (Ohio Realtors)	<ul style="list-style-type: none">• James Nemastil (Nemastil Home Inspections)• Joseph Jefferys (HomeSpection Training Institute)• Douglas Curfman (Sherlock Homes Independent Inspection Agency)• David Szalay (citizen)• Micah Derry (Americans for Prosperity)	<ul style="list-style-type: none">• Rod Berning (Berning & Associates Inc.)•

Key Provisions

- Establishes the Home Inspector Law and requires individuals wishing to perform home inspections to obtain a license in order to perform those inspections.
- Establishes criminal penalties for performing home inspections without a license and knowingly making, or causing to be made, a false representation concerning a material and relevant fact relating to a person's licensure as a home inspector.
- Creates the Ohio Home Inspector Board to regulate the licensure and performance of home inspectors and requires the Superintendent of Real Estate and Professional Licensing to administer the Home Inspector Law.
- Prohibits a home inspection from being performed unless it is performed pursuant to a written contract entered into between a licensed home inspector and a client.

- Requires a real estate broker or salesperson who provides the name of a home inspector to a purchaser or seller of real estate to provide the names of at least three licensed home inspectors.
- Requires a licensed home inspector to include a written report of the visual examination performed by a licensed home inspector during a home inspection.
- Requires a licensed home inspector to retain documents related to home inspection work for a five-year period.
- Prohibits any person from performing a home inspection unless the inspection conforms to requirements for conducting home inspections, standards of practice, and prohibitions against conflicts of interest specified in rules adopted by the Board.
- Allows the Superintendent, in accordance with the bill's requirements, to investigate a complaint of unlicensed activity or of performing a home inspection in a manner that does not conform to Board rules or without having entered into a contract.
- Requires the Board to hold a hearing regarding an alleged violation of the bill's prohibited activities in accordance with the bill's requirements and, if the Board finds that a violation has occurred, allows the Board to impose a fine on the person, not to exceed \$500 per violation.
- Establishes requirements an individual must satisfy to obtain a license under the bill and requires the Superintendent to have fingerprint-based criminal records checks conducted on applicants for licensure.
- Requires the Board to adopt specified rules for the bill's administration and to approve the education and experience curricula specified in the bill and the examination an applicant must pass for initial licensure.
- Specifies duties for the Superintendent that include approving continuing education providers, courses, and programs in accordance with the Board's rules and issuing and renewing licenses.
- Requires the Superintendent to investigate complaints of violations of the bill and grants the Superintendent and the Board subpoena power in relation to any matter over which the Board or Superintendent has jurisdiction and which is the subject of inquiry and investigation by the Board or Superintendent.
- Specifies disciplinary actions to which a licensed home inspector may be subject for violating the bill's provisions and allows for mediation before an investigation and settlement agreements prior to an adjudication hearing.
- Limits lawsuits brought under the bill to those actions available under common law. Specifies that the disciplinary actions against a licensed home inspector are the only remedies for a violation of a conflict of interest prohibition.
- Creates the Home Inspection Recovery Fund administered by the Superintendent for the purpose of satisfying certain judgments against a licensed home inspector when the judgment creditor has exhausted other avenues for recovery.
- Creates the Home Inspectors Fund in the state treasury to be used solely to pay expenses for administering and enforcing the bill's provisions.

Additional Information

- **Policy Advisor:** Jimmy Wolf, 614-466-6505, jimmy.wolf@ohiohouse.gov

H.B. 543 (PERALES, HAMBLEY)

Allow prosecutor to contract to give outside legal advice

House Co-Sponsors: Arndt, Becker, Butler, Carfagna, Holmes, Miller, O'Brien, Patterson, Riedel, Seitz, Thompson

Bill History

- 3/7/18 – Introduced
- 5/22/18 – Reported by House State and Local Government Committee (3 Hearings), (11-0)
- House Floor Vote Pending

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Russ Kline (Dayton International Airport)• Stacey Heaton (Ohio Aviation Association)• Josh Tattrie (Allen County Regional Airport)• Brian Martin (Ohio Association of Regional Councils)		

Key Provisions

- Authorizes a county prosecuting attorney, in the attorney's discretion and with the approval of the board of county commissioners, to enter into a contract with a regional airport authority, port authority, or regional planning commission to be its legal adviser.
- Allows the county prosecuting attorney to charge a fee for legal services agreed to under the contract.

Additional Information

- **Policy Advisor:** Lisa Griffin, 937-554-6372, Lisa.Griffin@ohiohouse.gov

Updated June 15, 2018

SUB. H.B. 500 (CARFAGNA)
Change township law

House Co-Sponsors: Arndt, Hambley, Hill, Lang, LaTourette, Patton, Schaffer, Seitz, Stein, Ginter

Bill History

- 5/29/18 – House State and Local Government Committee (6 hearings), (14-0)
- 6/15/18 – House Floor Vote Pending

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Heidi Fought – Ohio Township Association• Christopher Betts – Delaware Co. Prosecuting Attorney's Office• Michael Hampton – Springfield Twp.• Larry Moliterno – Boardman Twp.• Coalition of Large Ohio Urban Twp.• Joseph Honerlaw – Springfield Twp• Clara Tilford – Sugarcreek Twp.• John Eisel – Violet Twp.• Vicky Earhart – Anderson Twp.• Jeffrey Ferrell - Perkins Twp.• Robert Kroshefsky – Taylor Twp.• Randy Gonzales & Michael Vaccaro – Jackson Twp.• Daniel Frederick – Milan Twp.• Tina Kattro – Vermillion Twp.• Tom Farrell – Liberty Twp.	<ul style="list-style-type: none">• Chief Porter Welch – Ohio Fire Chief's Assoc.	<ul style="list-style-type: none">• Adam Schwiebert – County Commissioners Assoc. of Ohio• Dean Ringle & John Leutz – County Engineers Assoc. of Ohio & County Commissioners Assoc. of Ohio

Key Provisions

Township changes

- Requires a board of township trustees to select a chairperson annually.
- Eliminates the requirement that a township's annual inventory be filed with the county engineer.
- Increases, from \$2,500 to \$10,000, the obligations a board of township trustees may authorize its officers and employees to incur on behalf of the township.
- Increases, from \$5,000 to \$50,000, the amount of township funds that may be spent to erect a monument to commemorate members of the armed forces who died in service to the United States or Ohio.

Updated June 15, 2018

- Authorizes a board of township trustees of a township that is an owner of an oil and gas well to comply with liability coverage requirements by participating in a joint self-insurance pool in accordance with the law governing those pools.
- With regard to a petition to change the name of a township road submitted to a board of county commissioners, specifies that the name of the road automatically changes if the board does adopt a resolution regarding the petition within 60 days after receiving it.
- Prohibits a board of county commissioners from adopting a resolution to vacate a public road that is a township road unless the applicable board of township trustees has adopted a resolution approving the vacation.
- Eliminates the limitation on the types of platted subdivisions concerning which a county or township may adopt a zoning resolution to regulate agriculture.
- Requires a hearing for removal of a township zoning commission or township board of zoning appeals member to occur not later than 60 days after the charges are filed against the member, and allows a board of township trustees to suspend a member during that time.
- Specifies that a member of a township zoning commission or township board of zoning appeals who is suspended or removed may appeal the decision under the Local Government Administrative Appeals Law.
- Authorizes a board of township trustees to impose, upon a person who appeals a zoning decision to the board of zoning appeals, a fee to defray the cost of advertising, mailing, and other expenses.
- For limited home rule townships only, makes permissive the current law requirement that a township submit a proposed zoning amendment or resolution to a planning commission for approval, disapproval, or suggestions.
- Allows a township to require reimbursement of township police, fire, emergency medical, and ambulance levy revenue foregone because of the creation of a township tax increment financing (TIF) incentive district.
- Authorizes certain townships to use TIF payment-in-lieu-of-tax revenue to pay the expenses of maintaining any infrastructure project that was financed with such revenue.

Miscellaneous

- Repeals provisions of law allowing the vacation of lots outside of a municipal corporation.
- Eliminates the requirement that the total acreage in certain new community districts be not less than 1,000 acres.
- Beginning in 2021, allows political subdivisions to certify to the board of elections, in electronic form, a question or issue to be placed on the ballot.
- Allows a political subdivision to levy a single property tax for a variety of capital expenses.

Additional Information

- The committee accepted 5 amendments:
 - #1778 – removed a provision that would have allowed a board of township trustees or a board of fire district trustees to designate a legal counsel, rather than a private citizen as under current law, to investigate a member of a fire department of a township or joint fire district for purposes of removal.
 - #1777- Limited a provision from all townships to just limited home rule townships that makes permissive the current law requirement that a township submit a proposed

Updated June 15, 2018

zoning amendment or resolution to a planning commission for approval, disapproval, or suggestions.

- o #1776 – Removed a provision that would have authorized a township to levy an admissions tax of up to 5% on amounts charged for admission to locations in the township.
- o #2000 – Allows a municipality, in addition to a township under the bill, to levy a tax for any combination of the following purposes: acquiring, constructing, or maintaining buildings and equipment for police, fire, and emergency medical services; constructing or repairing roads and bridges; and general infrastructure improvements
 - The amendment also allows a county to levy a tax for any combination of the following expenses: constructing and repairing roads and bridges; maintaining and operating a county home, jail, detention facility, or sewage disposal facility; funding the county's share of the cost of operating schools, detention facilities, and forestry camps; preparing for flood defense; constructing and maintaining drainage improvements; establishing and operating a 9-1-1 system; acquiring, constructing, and maintaining county facilities; and acquiring or improving land
- o #1901 – The bill allows political subdivisions to certify to the board of elections, in electronic form, a question or issue to be placed on the ballot. The amendment changes the date this change begins from the effective date of the bill to 2021.

- **Policy Advisor:** Lisa Griffin, 937-554-6372, lisa.griffin@ohiohouse.gov

H.B. 36 (VITALE)

Allow minister not to solemnize marriages contrary to beliefs

House Co-Sponsors: Wiggam, Romanchuk, Patmon, Brinkman, Roegner, Henne, Butler, Antani, Merrin, Hagan, Rutherford, Conditt, Keller, Zeltwanger, Young, Becker, Brenner, Householder, Dean, Schaffer, Hood, Koehler, Riedel, Sprague, Goodman, Thompson, Hill

Bill History

- 6/26/2018 – House Community and Family Advancement Committee (5 Hearings), (*pending*)
- House Floor Vote (*pending*)

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Boniface Endorf (St. Patrick Church)• Dan Wolvin (North Columbus Baptist Church)• Bill Giallourakis (Columbia Road Baptist Church)• Chris Long (Ohio Christian Alliance)• Troy Kline (Bible Truth Baptist Church)• Brian Van Aman (Pickerington Baptist Temple)• Paul Norton (Faith Baptist Church)• Alfred Davis (Richfield Bible Baptist Church)• Kevin Folger (Cleveland Baptist Church)• Gary Click (Fremont Baptist Temple)	<ul style="list-style-type: none">• Rev. Aaron Maurice Saari (First Presbyterian Church of Yellow Springs)• State Rep. Nickie Antonio• Rev. Virginia Lohmann Bauman (St. John's Evangelical Protestant Church)• Pastor April Blaine (Hilliard UMC)• Rev. Joseph Cherry (Unitarian Universalist Society of Cleveland)• Rev. Dwight Davidson (The United Church of Granville)• Rev. Dr. J. Bennett Guess (United Church of Christ)	<ul style="list-style-type: none">• Professor Marc Spindelman (The Ohio State University)•

<ul style="list-style-type: none">• Robert Kurtz (Mansfield Baptist Temple)• Pastor Daniel Berdine (Greenville Baptist Temple)• Pastor Neal Dearyan (Chili Crossroads Bible Church)• Stephen M.; Haines (Two Rivers Community Church)• Terry Lee Hamilton (Lighthouse Legal Ministries)• Pastor Timothy Huth (Stow Falls Baptist Church)• Pastor Brian D. Kershaw (East Dayton Baptist Church)• Pastor Robert J. Kurtz (Mansfield Baptist Temple)• Rev. Matthew Lee (Champaign County Catholic Churches)• Asst. Pastor Jonathan Marshall (Hope Baptist Church)• Pastor Johnathan Newman (Koinos Christian Fellowship)• Pastor Daniel R. Novy (Grand River Baptist Church)• Pastor Linden Orr (Lighthouse Baptist Church)• Dr. Richard Powers Sr. (Grace Baptist Church)	<ul style="list-style-type: none">• Alana Jochum (Equality Ohio)• Rebecca Phillips (The National Association of Social Workers Ohio Chapter)• Rev. Deborah L. Saxe (First Christian Church)• Rev. Deborah K. Stevens (United Methodist Church)• Rev. James Waugh• Lisa Wurm (ACLU of Ohio)• Tess Stuber• Douglas Berger (Secular Coalition for Ohio)• Rev. Ian Lynch (Old South Church of Christ)• Rev. Dr. Julie Faith Parker, Ph.D.	
--	--	--

<ul style="list-style-type: none">• Pastor Joel Royalty (Broadview Heights Baptist Church)• Pastor Tim Throckmorton (Crossroads Church)• Jim Tobin (Catholic Conference of Ohio)• Shane C. Vandergrift (Hope Baptist Church)• Pastor Daniel Williams (Arrowbrook Baptist Church)• Pastor Joe Williams (Victory Baptist Church)• Pastor Daniel L. Wolvin (Awake America Ohio)• Pastor Coetta L. Bynum (The Truth Christian Service Center)• Pastor Mark Carpenter (Capitol City Baptist Church)• Dr. Phil Clayton (Village Baptist Temple)• Pastor Gary N. Click (Fremont Baptist Temple)• Pastor Gregory A. Davis (Southwest Baptist Church)• Melanie D. Dray• Rev. Matthew Ferguson (Bible Baptist Temple)• Pastor Thomas M. Gresham (Liberty Baptist Church)		
--	--	--

<ul style="list-style-type: none">• Pastor Daneil E. Hamilton (Lakeland Baptist Temple)• Pastor John Herdman (Grace Baptist Church)• Dr. Terrell Hudson (Moraine Heights Baptist Church)• Pastor Brad A. Ingram (Truth Baptist Church)• Kaithy Johnson• Pastor John Jones (Lighthouse Baptist Church)• Pastor Josiah Kagin (Grace Baptist Church)• Rev. Matt Keller (Calvary Baptist Church)• Pastor John A. Lutz (Northcoast Baptist Church)• Richard L. Mast Jr. (Liberty Counsel)• Pastor John McCaw (First Baptist Church Medina)• Pastor Max McKanna (Crusade Baptist Church)• Pastor Floyd Radebaugh (Calvary Bible Baptist Church)• Pastor Bill Rains (Mission Baptist Church)• Pastor Rick Rust (Liberty Baptist Church)		
--	--	--

<ul style="list-style-type: none">• Rev. Steven L. Schag (Calvary Baptist Church)• Pastor James Smith (Mount Vernon Baptist Temple)• Pastor Chet Sweet (First Baptist Church of New Richmond)• Paula Westwood (Right to Life of Greater Cincinnati)		
--	--	--

Key Provisions

- Specifies that no ordained or licensed minister and no religious society is required to solemnize a marriage or allow property to be used to host a marriage ceremony if the marriage does not conform to the minister's or society's sincerely held religious beliefs.
- Provides that a minister or society that refuses to solemnize a marriage or allow its property to be used to host a ceremony for that reason is immune from civil or criminal liability.
- Prohibits the state or a political subdivision from penalizing or withholding any benefit or privilege from such a minister or society, including any governmental contract, grant, or license.
- States that the bill is the Ohio Pastor Protection Act.

Additional Information

- **Amendments accepted in committee:**
AM0028 (Vitale)
 - Adds the following statement into uncodified law in section 4 of the bill:
“Nothing in this bill is intended to or shall be construed to limit or abrogate any rights conferred on ordained or licensed ministers or religious societies by the Ohio Constitution or the United States Constitution.”
- **Policy Advisor:** Steven Alexander, 740-804-3213,
steven.alexander@ohiohouse.gov

H.B. 126 (BOYD, REZABEK)
Require region-based kinship caregiver navigator program

House Co-Sponsors: Seitz, Ramos, Boggs, Ashford, Smith, K., O'Brien, Kennedy-Kent, Lepore-Hagan, Craig, Antonio, Miller, Reece, Boccieri, Sykes, Howse, Ginter, LaTourette

Bill History

- 5/29/2018 – Reported (13-0) by House Community and Family Advancement Committee (6 Hearings)
- 6/5/2018 – Referred to House Finance Committee
- 6/16/2018 – Reported (26-0) out of House Finance (2 hearings)

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Mary Wachtel (PCSAO)• Patrick Donovan (Muskingum County Adult and Child Protective Services)• Tim Harless (Richland County Children Services)• Denise St. Clair (Ohio Family Care Association)• Quo Vadis Ellision (Northern Ohioans for Budget Legislation Equality – NOBLE)• Phylene Thomas (Northern Ohioans for Budget Legislation Equality – NOBLE)	<ul style="list-style-type: none">• None	<ul style="list-style-type: none">• None

Key Provisions

- Requires, rather than permits as is the case under current law, the Department of Job and Family Services (ODJFS) to establish a statewide kinship care navigator program.
- Requires the Director of ODJFS to divide the state into as few as five, or as many as 12, regions for the kinship care navigator program, based upon the population, number of kinship caregivers, expertise of navigators, and any other relevant factor.
- Requires each kinship care navigator region to provide information and referral services and assistance in obtaining support services for kinship caregivers within its region.
- Specifies that the program receive funding through the General Revenue Fund to the extent that the funds are appropriated and requires the Director to take any

action necessary to obtain federal funds available for the program under Title IV-E of the Social Security Act.

- Requires ODJFS to pay the full nonfederal share for the program and provides that county departments of job and family services and public children services agencies are not responsible for the cost of the program.
- Requires the Director to adopt rules to implement the kinship care navigator program not later than one year after the bill's effective date.

Additional Information

- **Sub Bill Accepted in House Community & Family Advance Committee:** *(132_0516-2), (Boyd)*
 - Removes provision including the Kinship Care Navigator Program as a Title IV-A program funded with TANF Block Grant funds
 - Removed the provision requiring JFS to submit an amendment to the state plan to the US HHS Secretary to make kinship care a Title IV-A program
 - Requires the Kinship Care Navigator Program to be funded to the extent that GRF funds are available
 - Requires JFS to take action to obtain any available Title IV-E funds of the Social Security Act to fund the Kinship Care Navigator Program
 - Updates nomenclature from Kinship Caregiver Program to Kinship Care Navigator Program and removes the requirement that JFS pay for the “full amount” of the nonfederal share of the program
- **Amendment Accepted in House Finance Committee:** *(AM2524)*
 - Appropriates \$5M to the Kinship Care Navigator Program
- **Policy Advisor:** Steven Alexander, 740-804-3213,
steven.alexander@ohiohouse.gov

H.B. 156 (SCHURING)
Address vision care insurance limits

House Co-Sponsors: Rutherford

Bill History

- 4/12/2018 – House Insurance Committee (7 Hearings), (11-0)
- House Floor Vote (*pending*)

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Justin Tallman• Jon Peak• Keith Kerns (Ohio Optometric Association)• Julian Roberts (National Association of Vision Care Plans)• Dr. Beckie Brown (Ohio Optometric Association)	<ul style="list-style-type: none">• Miranda Motter (Ohio Association of Health Plans)• Brandi Slaughter (Voices for Ohio's Children)• Nikki Skaggs (Union Benefits Trust)• Joshua Keepes (America's Health Insurance Plans)• Joe Wende (Eye Med)• Bill Moore (Davis Vision)	<ul style="list-style-type: none">• Keith Lake (Ohio Chamber of Commerce)• Lora Miller (Ohio Council of Retail Merchants)•

Key Provisions

- Prohibits specified terms from being included in health care contracts between a vision care provider and a contracting entity (any person that has the primary business purpose of contracting with participating providers for the delivery of health care services).
- Prohibits a contracting entity from requiring that a vision care provider accept a payment amount set by the contracting entity for vision care services or materials unless those services or materials are covered services.
- Imposes disclosure requirements on health insurers and on vision care providers regarding vision care services and materials that are not covered services.
- Imposes disclosure requirements on vision care providers regarding vision care materials and services that are out-of-network.
- Makes a violation of the above provisions an unfair and deceptive act in the business of insurance.

- Subjects providers who violate the above disclosure requirements to professional discipline.

Additional Information

- **Sub bill accepted in committee:** *132_0895-5* (Henne) Accepted without objection
 - In addition to other information that the plan must disclose to the enrollee, the plan must also explain that the enrollee may incur out-of-pocket expenses as a result of the purchase of non-covered vision care services
 - Rather than outright prohibiting contract provisions between a provider and plan regarding a provider accepting fee schedules for non-covered services, the sub bill retains the prohibition but also allows the provider to “choose to accept as payment” the “amount set by the contracting entity for vision care services that are not covered...”
 - States that the decision on whether the plan contracts with the provider cannot be contingent on whether or not the provider accepts the fee schedule for non-covered services
 - Permits the plan to communicate to the enrollees the providers which have opted to accept the plan’s fee schedule for non-covered services
 - Clarifies that the provisions of the bill shall be effective for policies entered into or amended or renewed on or after January 1, 2019\
 - Adds additional things which the provider must disclose to the enrollee prior to providing non-covered services
 - Clarifies that certain actions not intended to be prohibited by the bill shall not be deemed to be prohibited by the bill
 - States that it is a violation for a plan to repeatedly fail to notify enrollees of the information required by the bill.
- **Policy Advisor:** Steven Alexander, 740-804-3213,
steven.alexander@ohiohouse.gov

H.B. 240 (BARNES)
Require state higher education to adopt sex offense policies

House Co-Sponsors: Duffey, Perales

Senate Co-Sponsors: N/A

Bill History

- 5/24/2017 – Introduced
- 4/11/2018 – Reported unanimously from House Higher Education and Workforce Development Committee (5 Hearings)

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Jennifer Schoewe (self)• Daniel Palmer (Wright State University's Student Government Association)• Cleveland State University Student Government Association		

Key Provisions

- Requires each state institution of higher education to adopt a policy with regard to dating violence, domestic violence, sexual assault, stalking, and rape on campus, which must include a procedure for reporting, and the consequences for committing, such incidents.
- Requires each state institution of higher education to keep a record of all reports of incidents that it receives.
- Requires each state institution of higher education annually to distribute copies of the institution's policy during student orientation and other appropriate events and to post copies of the policy in multiple, prominent locations across campus and on the institution's website.
- Designates the month of April as "Respect Your Date Month" to increase public awareness of dating violence, domestic violence, sexual assault, stalking, and rape on college campuses.
- Entitles the act the "Respect Your Date Act."
- Declares an emergency.

Additional Information

- **Policy Advisor:** Nick Derksen, 614.466.2361 (Office); 937.602.2174 (Cell);
nick.derksen@ohiohouse.gov

SUB. H.B. 349 (LATOURRETTE)
Increase and expand crime of assaulting a police animal

House Co-Sponsors: Manning

Senate Co-Sponsors: N/A

Bill History

- 9/19/17 – Introduced
- 10/10/17 – Referred to House Criminal Justice Committee
- 5/23/18 – Reported unanimously (13-0) by House Criminal Justice Committee (5 hearings)

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Dr. Robert Davis• Alice Ault (Miami Valley Mounted Search and Rescue)• Janelle Hideg (Midwest K9 Search Unit)• Jerry Whaley (Buckeye Emergency Response Training School)	<ul style="list-style-type: none">• n/a	<ul style="list-style-type: none">• n/a

Key Provisions (From LSC Bill Analysis “As Reported by House Committee”)

- Includes search and rescue dogs and horses in the prohibitions against assaulting or harassing a police dog or horse.
- Applies the same penalties to assaulting or harassing a search and rescue dog or horse as the penalties for assaulting or harassing a police dog or horse.

Additional Information

- **Changes in House Committee:** The committee accepted a substitute bill, offered by Rep. Jeff Rezabek to restore existing penalties for assault on a police animal and to set the same penalties for assault on search and rescue animal. The committee also accepted an amendment to clarify that "volunteer unit" pertains to a search and rescue unit that consists of a certified volunteer handler.
- **Policy Advisor:** Sheila Willamowski, 614.466.2179 (Office); Sheila.Willamowski@ohiohouse.gov.

H.B. 386 (HENNE, KELLY)
Modify credit reporting agency fees for a credit report freeze

House Co-Sponsors: Rogers, Boggs, Dever, Hambley, Arndt, Riedel, Becker, West, DeVitis, Romanchuk, Smith, K., Leland

Bill History

- 6/19/2018 – House Financial Institutions, Housing, and Urban Development Committee (5 Hearings), (12-0)
- House Floor Vote (*pending*)

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Kalitha Williams (Policy Matters Ohio)• Jim Davee• Brian Flick (DannLaw)	<ul style="list-style-type: none">• Eric Ellman (Consumer Data Industry Association)	<ul style="list-style-type: none">• None

Key Provisions

- Prohibits a consumer credit reporting agency from charging a fee to place a freeze on a consumer's or protected consumer's credit report or to remove or temporarily lift the freeze.
- **Policy Advisor:** Steven Alexander, 740-804-3213, steven.alexander@ohiohouse.gov

Updated June 15, 2018

SUB. H.B. 425 (ANTANI, CRAIG)
Declare police body camera recordings not to be public records

House Co-Sponsors: Becker, Seitz, Sheehy, Lang

Bill History

- 5/22/18 – Government Accountability & Oversight Committee (3 Hearings)(12-0)
- House Floor Vote Pending

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Gary Daniels – ACLU of Ohio• George Speaks – City of Columbus Dept. of Public Safety• Dennis Hetzel – Ohio News Media Association		

Key Provisions

- Provides that a record created by a body camera worn by a law enforcement officer or a dashboard camera used by a law enforcement officer is a public record, subject to certain exceptions.
- Exempts from disclosure under the Public Records Law certain portions of a body-worn camera or dashboard camera recording, depending on the content of the recording.
- Specifies the circumstances in which any portion of a body-worn camera or dashboard camera recording that is otherwise exempt may be released by consent of the subject of the recording or that person's representative.
- Allows any person to file a mandamus action requesting the court to order the release of all or portions of a recording if a public office has denied a request to release restricted portions of a body-worn camera or dashboard camera recording.
- Specifies that an infrastructure record of a public school is not a public record subject to mandatory release or disclosure under the Public Records Law.

Additional Information

- GAO Committee accepted a substitute bill that:
 - Expands the bill's public record exemptions that apply to body-worn camera recordings to apply also to dashboard camera recordings
 - Defines a "dashboard camera" as a visual and audio recording device mounted on a peace officer's vehicle or vessel that is used while the peace officer is engaged in the performance of the officer's duties
 - Modifies a provision regarding restricted recordings to say that if a body-worn camera or dashboard camera recording shows the death of a person, grievous bodily harm, an act of severe violence, or a nude body, allows the person shown in the recording or a

Updated June 15, 2018

representative of that person to consent to its release only if the recording is not a confidential law enforcement investigatory record

- Exempts from disclosure any portion of a bodyworn camera or dashboard camera recording that shows the image or identity of a child or information that could lead to the identification of a child who is the primary subject of the recording when the law enforcement agency knows or has reason to know the person is a child
- Removes a provision that would have exempted from disclosure any portion of a bodyworn camera recording that shows obscene material
- Exempts from disclosure any portion of a recording that shows a portion of the interior of a private business that is not open to the public, unless an adversarial encounter with, or a use of force by, a peace officer occurs in that location
- Allows any person to file a mandamus action in the appropriate court or file a complaint with the Clerk of the Court of Claims, according to procedures in existing law, to request the release of restricted portions of a body-worn camera or dashboard camera recording
- Corrects the error by changing the term to "health care facility," a term used in one of the public records exemptions
- Removes the definition of "peace officer" previously applicable to the bill's provisions and reverts to the definition currently in the Public Records Law, which includes the Superintendent and Troopers of the State Highway Patrol

• **Policy Advisor:** Lisa Griffin, 937-554-6372, lisa.griffin@ohiohouse.gov

H.B. 428 (GINTER, LATOURETTE)
Enact Ohio Student Religious Liberties Act of 2018

House Co-Sponsors: Antani, Brenner, Brinkman, Hill, Huffman, Johnson, Kent, Koehler, Lang, Lipps, McColley, Patmon, Riedel, Roegner, Romanchuk, Ryan, Schaffer, Scherer, Smith, R., Thompson, Butler

Senate Co-Sponsors: N/A

Bill History

- 11/27/2017 – Introduced
- 5/22/2018 – Reported out of House Education and Career Readiness Committee (13-6)
(4 Hearings)

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Josh Brown (Citizens for Community Values)• Barry Sheets (Citizens for Community Values)• Larry Keough (Catholic Conference of Ohio)	<ul style="list-style-type: none">• Gary Daniels (ACLU)	

Key Provisions

- Requires public schools to give students who wish to meet for the purpose of religious expression the same access to school facilities given to secular student groups, without regard to the content of the expression.
- Removes a provision that permits a school district to limit the exercise or expression of religion to lunch periods or other non-instructional time-periods.
- Authorizes students enrolled in public schools to engage in religious expression before, during, and after school hours in the same manner and to the same extent that a student may engage in secular activities or expression before, during, and after school hours.
- Prohibits public schools from restricting a student from engaging in religious expression in the completion of homework, artwork, or other assignments.
- Prohibits public schools from rewarding or penalizing a student based on the religious content of the student's homework, artwork, or other assignments.
- Designates the bill's provisions regarding religious expression as the "Ohio Student Religious Liberties Act of 2018."

Additional Information

- **Policy Advisor:** Nick Derksen, 614.466.2361 (Office); 937.602.2174 (Cell);
nick.derkSEN@ohiohouse.gov

Updated June 14, 2018

H.B. 479 (LIPPS/WEST)
Disclose drug price information to patients

House Co-Sponsors: Butler, Smith, K., Vitale, Scherer, Stein, Wiggam, Hambley, Lepore-Hagan, Holmes, Ashford, Koehler

Bill History

- 5/22/18 – Government Accountability & Oversight Committee (4 hearings)(12-0)
- 6/14/18 – House Floor Vote Pending

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Antonio Ciaccia – Ohio Pharmacists Association• Heather Free – Equitas Health• Robert Fowler• Steve Ferris – Discount Drug Mart• Fred Jorgensen – The Academy of Medicine of Cleveland & Northern Ohio• John Covello – Independent Pharmacy Cooperative• Pamela Jacques-Cobb – Epilepsy Foundation• Robert Levin – Alliance for Transparent & Affordable Prescriptions• Holly Pendell – National Multiple Sclerosis Society• Stephen Marmaras – Global Healthy Living Foundation• David Mitchell – Patients for Affordable Drugs Now• Dave Dillahunt – Ohio Hematology Oncology Society• Allie Jo Shipman – National Community Pharmacists Association	n/a	n/a

Key Provisions

- Prohibits health plan issuers and third party administrators from requiring, or directing pharmacies to collect, cost-sharing beyond a certain amount from individuals purchasing prescription drugs.
- Prohibits issuers and administrators from retroactively adjusting pharmacy claims other than as a result of a technical billing error a pharmacy audit.
- Prohibits issuers and administrators from charging claim-related fees unless those fees can be determined at the time of claim adjudication.
- Requires the Department of Insurance to create a web form for consumers to submit complaints relating to violations of the bill.
- Provides for license or certificate of authority suspension or revocation and monetary penalties for failure to comply with the bill.
- Requires pharmacists, pharmacy interns, and terminal distributors of dangerous drugs to inform patients if the cost-sharing required by the patient's plan exceeds the amount that may otherwise be charged and prohibits those persons from charging patients the higher amount.

Additional Information

- **Policy Advisor:** Lisa Griffin, 937-554-6372, lisa.griffin@ohiohouse.gov

H.B. 480 (HILL)
Establish requirements for multi-parcel auctions

House Co-Sponsors: Scherer, Seitz
Senate Co-Sponsors: N/A

Bill History

- 1/24/18 – Introduced
- 1/30/18 – Referred to House Civil Justice Committee
- 5/22/18 – Reported unanimously (11-0) by House Civil Justice Committee (3 hearings)

Stakeholders

Proponent	Opponent	Interested Party
• Scott Mihalic (Ohio Auctioneers Association)	• n/a	• n/a

Key Provisions (From LSC Bill Analysis “As Reported by House Committee”)

- Authorizes the Department of Agriculture to specifically regulate multi-parcel auctions.
- Specifies that a multi-parcel auction is any auction of real or personal property in which multiple parcels or lots are offered for sale in various amalgamations, including as individual parcels or lots, combinations of parcels or lots, and all parcels or lots as a whole.
- Requires a contract for a multi-parcel auction to include a statement that specifies that the auction will be a multi-parcel auction.
- Requires all advertisements for a multi-parcel auction to state that the auction will be offered in various amalgamations, including as individual parcels or lots, combinations of parcels or lots, and all parcels or lots as a whole.
- Authorizes an auctioneer or auction firm to advertise an absolute auction as a multiparcel auction if the auctioneer complies with requirements governing advertising, sales, and bidding established in current law and by the bill.
- Authorizes the Department to deny, refuse to renew, suspend, or revoke an auctioneer license for both of the following:
 - Specifying that an auction is a multi-parcel auction, but not conducting the auction as specified; and
 - Failing to display a notice conspicuously at the clerk's desk or on a bid card that clearly states an explanation of the multi-parcel auction process.

Additional Information

- **Changes in House Committee:** no changes were made in House Committee.
- **Policy Advisor:** Sheila Willamowski, 614.466.2179 (Office);
Sheila.Willamowski@ohiohouse.gov.

H.B. 497 (ROGERS, MANNING)
Prohibit disseminating private sexual images

House Co-Sponsors: None

Bill History

- 6/6/2018 – House Community and Family Advancement Committee (4 Hearings), (13-1) (*Vitale*)
- House Floor Vote (*pending*)

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Belinda Barry (Battling Against Demeaning and Abusive Selfie Sharing)• Rachel Lamp• Crissy Kolarik• Katelyn Bowden• Char Hill	<ul style="list-style-type: none">• None	<ul style="list-style-type: none">• None

Key Provisions

- Prohibits nonconsensual dissemination of private sexual images with intent to harm the individual in the image.
- Makes a first offense a first degree misdemeanor, a second offense a fifth degree felony, and a third or subsequent offense a fourth degree felony.
- Allows nonconsensual dissemination of private sexual images for specified purposes.
- Exempts certain entities from liability for nonconsensual dissemination of private sexual images if the image or information was provided by a third party.
- Requires a convicted offender to forfeit all property that was acquired or maintained in connection with the nonconsensual dissemination of private sexual images.
- Creates a civil action for nonconsensual dissemination of private sexual images in which the victim may file against the convicted offender and be awarded an injunction or temporary restraining order, compensatory damages, punitive damages, reasonable attorney's fees, and costs of bringing the action.
- Prohibits an institution of higher learning from considering that an applicant or student is a victim of nonconsensual dissemination of private sexual images when providing financial assistance.

- Prohibits an institution of higher learning from disciplining a student because the student is a victim of nonconsensual dissemination of private sexual images.
- Prohibits a licensing authority from refusing to license or renew a license or limiting, suspending, or revoking a license because the individual is a victim of nonconsensual dissemination of private sexual images.
- Makes a violation involving the transmission of private sexual images under certain specified circumstances a third degree misdemeanor.

Additional Information

Amendments Accepted in Committee

AM2136 (LaTourette)

- Removes provisions of the bill that would have required employers to make reasonable accommodations for victims of this bill

Policy Advisor: Steven Alexander, 740-804-3213, steven.alexander@ohiohouse.gov

SUB. H.B. 502 (ANIELSKI)
Train public school educators about youth suicide

House Co-Sponsors: Schuring, West

Senate Co-Sponsors: N/A

Bill History

- 2/13/2018 – Introduced
- 5/22/2018 – Reported from House Education and Career Readiness Committee (19-0)
(3 Hearings)

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Krista Hussar (Canton Local Schools/South Stark County Career Academy)		

Key Provisions

- Requires certain public school employees to undergo training in youth suicide awareness and prevention programs once every two years.

Additional Information

- **Substitute Bill:** A substitute bill was accepted that changed the requirement from annually to once every two years.
- **Policy Advisor:** Nick Derksen, 614.466.2361 (Office); 937.602.2174 (Cell); nick.derksen@ohiohouse.gov

H.B. 511 (LANESE, ROGERS)
Change age at which can marry

House Co-Sponsors: Rezabek, Antonio, Fedor, LaTourette

Bill History

- 5/16/2018 – House Community and Family Advancement Committee (4 Hearings), (11-0)
- House Floor Vote (*pending*)

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Sarah Wolf-Knight (Dayton YWCA)• Jeanne Smoot (The Tahirih Justice Center)• Erin Ryan (The Ohio Women's Public Policy Network)• Camille Crary (Ohio Alliance to End Sexual Violence)	<ul style="list-style-type: none">• None	<ul style="list-style-type: none">• None

Key Provisions

- Modifies the statutory specification of the age at which persons may marry, to generally provide that only persons of the age of 18 years, not nearer of kin than second cousins, and not having a husband or wife living, may marry.
- Provides an exception for a 17-year-old to marry if he or she obtains consent from the juvenile court and the other person is not more than four years older.
- Institutes a 14-day waiting period for a marriage involving a 17-year-old.
- Requires documentary proof of age for any person seeking a marriage license.

Additional Information

Amendments Accepted in Committee

AM1468X (LaTourette) (Antani objection) Motion to amend successful (6-4)

- Requires proof of age to be submitted by a person seeking a marriage license
- Lists documentation accepted for verifying age including birth certificate, passport, immigration records, state ID, school issued ID card, and baptismal record
- Note: Rep. Antani's objection was based on the baptismal record being an acceptable document to verify age. It is worth noting that under continuing law a certificate of baptism or other religious record can be used for public school admission as well as for the school to issue a school-issued ID (ORC 3331.02)

and 3313.672. Therefore, even if baptismal record were removed, the possibility remains that a school-issued ID could still be based on the baptismal record.

AM1729 (LaTourette) accepted without objection

- Clarifies that in order for 17 year olds to obtain a marriage license, the juvenile court must file a consent to marriage even if only one of the person's getting married is 17 years of age
- Requires the probate court to wait 14 days after receiving the consent to marriage from the juvenile court before granting the marriage license
- Requires the juvenile court to consult with certain people in determining whether or not to grant the consent to marriage to a 17 year old (rather than just consider consulting with them)
- Requires the juvenile court to determine certain things when deciding whether or not to grant the consent to marriage to a 17 year old such as:
- Whether the 17 year old intending to marry is in the US armed services or has become self-employed and self-subsisting
- Whether the 17 year old intending to marry is doing so free from force or coercion
- Whether the intended marriage and emancipation is in the best interest of the 17 year old
- States that when the juvenile court files a consent to marriage for a 17 year old, the 17 year old is granted capacity of an 18 year old except that he or she cannot vote

Policy Advisor: Steven Alexander, 740-804-3213, steven.alexander@ohiohouse.gov

AM. H.B. 540 (GAVARONE, MANNING)
Regards teacher evaluations

House Co-Sponsors: N/A

Senate Co-Sponsors: N/A

Bill History

- 3/6/2018 – Introduced
- 5/22/2018 – Reported from House Education and Career Readiness Committee (17-2 *Hood, Ramos*) (4 Hearings)

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Melissa Cropper (OFT)• Jonathan Juravich (“Ohio Teacher of the Year”)• Jeanne Cerniglia (Ohio Educator Standards Board)• Becky Higgins (OEA)		

Key Provisions

- Requires the Department of Education to revise the state framework for teacher and administrator evaluations, based on the recommendations of the Educator Standards Board, and to submit a summary of its revisions to the State Board of Education for review.
- Requires the State Board to adopt the revised framework by May 1, 2019, and requires school districts to update their teacher evaluation policies by July 1, 2019.
- Makes several changes to the specifications for the revised framework, including eliminating the requirement that student academic growth count for half of an evaluation, prohibiting the use of student learning objectives, prohibiting the use of shared attribution, and requiring professional growth plans or improvement plans.
- Eliminates the alternative evaluation framework.

- Specifies that the revised framework does not take effect until the 2019-2020 school year and establishes a one-year pilot program for the 2018-2019 school year in order to guide implementation.
- Repeals a current law provision that requires public school teachers of core subject areas to take exams to prove their knowledge of the subject when certain circumstances are triggered.

Additional Information

- **AM1918**
 - This amendment lines up with the Ohio Teacher Evaluation System language agreed upon by the relevant stakeholders found in Am. Sub. S.B. 216. (See *Key Provisions*)
- **Policy Advisor:** Nick Derksen, 614.466.2361 (Office); 937.602.2174 (Cell); nick.derksen@ohiohouse.gov

SUB. H.B. 572 (SCHERER, HOWSE)
Regards PERS service credit for nonteaching DD board employees

House Co-Sponsors: Schuring, Antonio, Boccieri, Brenner, Dever, Patterson, Ramos

Senate Co-Sponsors: N/A

Bill History

- 3/22/2018 – Introduced
- 5/31/2018 – Reported from House Aging and Long-Term Care Committee (11-0)
(3 Hearings)

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Robert Davis (Ohio Education Association)• Erich Bittner (Ohio Association of County Boards of Developmental Disabilities)• Beth Tumblin (citizen)• Lisa Stanley (Ashland County Board of DD)• Lynette Hardesty (Coshocton County Board of DD)• Tara Kehl (Coshocton County Board of DD)		

Key Provisions

- Requires the Public Employees Retirement System Board to grant a full year of service credit to a member employed as a nonteaching school employee of a county board of developmental disabilities if the member performs full-time services in the position for at least nine months of the year and is paid earnable salary in each month of that year.

Additional Information

- Substitute Bill

- The substitute bill allows for any eligible PERS member with a developmental disability to receive their service credit since January 1, 2017. The substitute bill also placed in uncodified law, not later than 90 days after the effective date each county who employs an individual impacted by the act, shall submit to Public Employees Retirement System an amended payroll report in the form required by the public employees retirement board for the time period January 1, 2017 to present.
- **Policy Advisor:** Nick Derksen, 614.466.2361 (Office); 937.602.2174 (Cell); nick.derksen@ohiohouse.gov

SUB. H.B. 595 (CUPP, REZABEK)
Revise law of wills, trusts, and suspicious deaths

House Co-Sponsors: Seitz, Riedel, Manning

Senate Co-Sponsors: N/A

Bill History

- 4/10/18 – Introduced
- 5/15/18 – Referred to House Civil Justice Committee
- 6/7/18 – Reported unanimously (12-0) by House Civil Justice Committee (3 hearings)

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Judge Jan Michael Long (Ohio Judicial Conference)• Michael Renne (Dinsmore & Shohl, LLP)• Judge Robert Montgomery (Franklin County Probate Court)• Patricia Laub (Ohio State Bar Association)	<ul style="list-style-type: none">• n/a	<ul style="list-style-type: none">• n/a

Key Provisions (From LSC Bill Analysis “As Reported by House Committee”)

- Specifies the coroner's duties with regards to a deceased person, including notifying the person who has been assigned the rights of disposition for the deceased person of the deceased person's death and the disposition of the deceased person's property.
- Disqualifies a person who is convicted of involuntary manslaughter that is not a proximate result of a felony aggravated vehicular homicide or vehicular homicide offense from in any way benefiting by the death of the victim of that offense.
- Provides that if a will incorporates a trust instrument only in the event that a bequest or device is ineffective, the trust instrument must be deposited in the probate court not later than 30 days after the determination that the bequest or device is ineffective.
- Specifies terms that must be used if a testator intends to incorporate a trust instrument in a will.
- Specifies that the exception to the antilapse provisions for wills and trusts only applies to multigenerational class gifts.

- Allows for the creation of a trust for the benefit of a minor beneficiary if the minor is entitled to money or property whether by settlement for personal injury or damage to tangible or intangible property, inheritance or otherwise.
- Allows for the creation of the county probate court guardianship services fund, the multicounty probate court guardianship services fund, and the county or multicounty guardianship services board.
- Provides a procedure for a person entitled to be appointed as a decedent's personal representative to file an application with the probate court to release the decedent's medical records and medical billing records for the limited purpose of deciding whether or not to file a wrongful death claim.
- Specifies that a provision in the terms of a trust, except for a testamentary trust, that requires the arbitration of disputes, other than disputes of the validity of all or part of a trust instrument, is enforceable and unless otherwise specified, the arbitration is presumed to be binding.
- Relocates the provisions regarding determining the validity of a will before the testator's death, creates a procedure for determining the validity of a trust, and makes conforming changes.
- Specifies that the probate division of the common pleas court has exclusive jurisdiction to render declaratory judgments regarding the validity of a trust, but the probate division may transfer the proceeding to the general division of the common pleas court.
- Generally prohibits a person from contesting the validity of any trust as to facts decided if the trust was submitted to the probate court by the settlor during the settlor's lifetime and was declared valid by the court.
- Allows a person to contest the validity of a trust described in the preceding dot point if the person is one who should have been named a party defendant in the action in which the trust was declared valid and if the person was not named a defendant and properly served in that action.

Additional Information

- **Changes in House Committee:**
 - The committee accepted an amendment from Rep. Lanese that requires consent to participate in a guardianship board, according to LSC.
 - The committee accepted an amendment from Rep. Jeff Rezabek offered an that reaffirms one intention of the bill is to allow people to evaluate cases of possible wrongful death or other claims without opening an estate. He said it clarifies what records can be requested under the law and the statute of limitations such requests fall under.
 - The committee accepted an amendment from Rep. Seitz that adds involuntary manslaughter in the commission or attempted commission of a felony to a list of charges that prohibit the guilty party from receiving an inheritance from the victim. He said the amendment

includes exceptions for cases of driving or boating under the influence of drugs or alcohol.

- **Policy Advisor:** Sheila Willamowski, 614.466.2179 (Office);
Sheila.Willamowski@ohiohouse.gov.

S.B. 81 (Terhar)

Revise licensing rules for military personnel concealed carry

Senate Co-sponsors: Coley, Bacon, Balderson, Beagle, Brown, Burke, Dolan, Eklund, Hackett, Hoagland, Hottinger, Huffman, Jordan, LaRose, Lehner, Manning, McColley, Obhof, O'Brien, Oelslager, Sykes, Thomas, Uecker, Williams, Wilson

House Co-sponsors: Landis, Perales

Bill History

- 3/2/17—Introduced
- 12/6/17—Reported by Senate Judiciary Committee (3 hearings), (9-1)
- 1/17/18—Senate passed (31-2)
- 3/22/18—Reported by House Armed Services, Veterans Affairs, and Homeland Security Committee (3 hearings) (10-1)
- Pending House floor vote

Stakeholders

Proponent	Opponent	Interested Party
Don McCauley (AMVETS Department of Ohio)		

Key Provisions

- Waives the payment of the license fee that is otherwise required to obtain a concealed handgun license for applicants who are active or reserve members of the armed forces of the United States, or who have retired from or were honorably discharged from such military service.
- Caps the waiver of license fees described in the preceding dot point at \$1,500,000 each calendar year.
- Permits an applicant for a concealed handgun license who has retired from or has been honorably discharged from military service to submit evidence of the applicant's military service as proof of competency regardless of the date that the applicant retired or was honorably discharged.
- Permits a licensee who wishes to renew a concealed handgun license to do so at any time before the expiration date of the license.

Additional Information

- **Policy Advisor:** Jimmy Wolf, 614-466-6505, jimmy.wolf@ohiohouse.gov

H.B. 299 (GARDNER, O'BRIEN)
Finance projects for protection of Lake Erie and its basin

House Co-Sponsors: n/a

Senate Co-Sponsors: Peterson, Brown, Manning, Schiavoni, Dolan, Sykes, Hottinger, Eklund, Beagle, Tavares, Balderson, Hackett, Kunze, LaRose, Lehner, Oelslager, Skindell, Thomas, Williams, Wilson, Yuko

Bill History

- 5/9/18 – Introduced
- 6/6/18 – Reported (12-0) by Senate Finance (3 hearings)
- 6/6/18 – Passed (33-0) by Senate
- 6/26/18 – Reported (23-0) by Ohio House Finance Committee (3 hearings)

Stakeholders (Senate witnesses)

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Josh Knights (The Nature Conservancy of Ohio)• Kristy Meyer (Ohio Environmental Council Action Fund)• Tony Seegers (Ohio Farm Bureau Federation)• Ohio Federation of Soil & Water Conservation Districts• Lake Erie Foundation• Mark Drewes (Ohio Corn & Wheat Growers Association)• Scott Metzger (Ohio Soybean Association)• Doug Spencer (County Commissioners Association of Ohio)• Rob Brundrett (Ohio Manufacturer's Association)• Ohio Dairy Producers Association• Ohio Cattleman's Association	<ul style="list-style-type: none">• n/a	<ul style="list-style-type: none">• n/a

Key Provisions (From LSC Bill Analysis “Passed By The Senate” – see committee amendments below)

Additional appropriations for Lake Erie water quality programs

Main Operating Budget Act

- For fiscal year 2019, appropriates an additional \$3.5 million (for a total of \$6.8 million) under the General Revenue Fund for the Department of Agriculture in the main operating budget.
- Earmarks that additional amount to support county soil and water conservation districts in the Western Lake Erie Basin for staffing costs and to assist in soil testing and nutrient management plan development.

Department of Agriculture – Soil and Water Phosphorous Program

- Appropriates \$20 million during fiscal year 2019 under the General Revenue Fund for the Soil and Water Phosphorus Program in the main operating budget.
- Requires the Department of Agriculture, in consultation with the Lake Erie Commission and the Ohio Soil and Water Conservation Commission, to establish programs that assist in reducing total phosphorus and dissolved reactive phosphorus in the Western Lake Erie Basin.
- Requires priority to be given to sub-watersheds that are highest in total phosphorus and dissolved reactive phosphorus nutrient loading.
- Requires that the \$20 million appropriation to be used to support the following specific programs:
 - The purchase of equipment for (1) subsurface placement of nutrients into the soil, (2) nutrient placement based on geographic information system data, and (3) manure transformation and manure conversion technologies;
 - Soil testing;
 - Implementation of variable rate technology;
 - Tributary monitoring;
 - Water management and edge-of-field drainage management; and
 - An agricultural phosphorus reduction revolving loan program.

Capital budget funding

Department of Higher Education – Sea Grant–Stone Laboratory

- Appropriates \$2.65 million to the Higher Education Improvement Fund for the Sea Grant–Stone Laboratory in the capital budget act for the FY 2019-FY 2020 biennium.
- Earmarks the appropriation to be used by the Ohio Sea Grant Program to construct new laboratory space at Stone Laboratory and to buy new in-lake monitoring equipment, including real-time buoys and water treatment plant monitoring
- Increases the amount of original obligations that the Ohio Public Facilities Commission is authorized to issue and sell by \$2 million, from \$429 million to \$431 million, to pay the costs of capital facilities for state-supported and stat assisted intuitions of higher education.

Department of Natural Resources – Healthy Lake Erie Initiative

- Increases appropriations under Ohio Parks and Natural Resources Fund by \$10 million for a total of \$20 million for the FY 2019-FY 2020 capital biennium.
- Earmarks this additional amount to support projects that enhance efforts to reduce open lake disposal of dredged material into Lake Erie by 2020.
- Increases the amount of original obligations that the Ohio Public Facilities Commission is authorized to issue and sell by \$10 million, from \$24 million to \$34 million, to provide sufficient money to pay costs of capital facilities that enhance the use or enjoyment of Ohio's natural resources.

Additional Information

- **Changes in House Committee:** The committee accepted an amendment that does the following:
 - Conforms the bill to Sub. H.B. 643 by adding the provision that creates a cap of 40% of the \$20 M appropriation that can be used on a single project.
 - Adds Sub. H.B. 508, which establishes the Ohio Corps. Pilot program and makes a \$2.5 M appropriation.
 - Appropriates \$7,165,500 to provide for the local match related to the Major Disaster Declaration by President of the United States on April 17, 2018.
 - Appropriates \$1 M per fiscal year for broadband mapping purposes.
 - Increases the appropriation for the National Guard Scholarship Program by \$1.5 M in FY'19.
 - Provides supplemental payments for public safety services in areas (Carroll and Perry Twps.) that have experienced a reduction of 30% or more in the taxable value of a nuclear power plant between 2016 and 2017. The initial appropriation is for \$740,000. These payments will be phased-out over a 10-year period ending in FY'28.
 - Transfers a \$50,000 capital appropriation from Child Focus Addiction Supervised Visitation Facility in Batavia (the project is no longer moving forward) to the Kelley Nature Preserve Boat Ramp.
- **Senate Companion:** HB 643 (Arndt, Patterson)
- **Policy Advisor:** Heather Blessing, 614.466.9194 (Office); 614.352.5819 (Cell); Heather.Blessing@ohiohouse.gov

SUB. H.B. 355 (HILL/REZABEK)
Prohibits sexting if under 21 but allows diversion from penalty

House Co-Sponsors: Manning

Bill History

- 9/21/17 – Introduced in the House
- 5/22/18 – Favorable passage in House Criminal Justice Committee (4 hearings) (13-0)

House Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Judge Adolfo A. Tornichio (<i>Ohio Judicial Conference</i>)• Claudette Ross (<i>Ohio citizen</i>)	<ul style="list-style-type: none">• Gary Daniels (<i>ACLU</i>)• Louis Tobin (<i>Ohio Prosecuting Attorneys Association</i>)	<ul style="list-style-type: none">• Erin Davies (<i>Juvenile Justice Coalition</i>)

Key Provisions (substitute bill)

Criminal prohibition against sexting

- Prohibits any person under age 19 from creating, distributing, or possessing sexually explicit digital material that depicts a minor through a telecommunications device.
- Provides exceptions to the prohibition above if the minor depicted is the person's self, spouse, or child, or the child of another if the material is possessed or distributed for certain specific lawful purposes.
- Classifies the offense of "possession of sexually explicit digital material" as a first degree misdemeanor punishable by eight hours of community service, unless a judge determines that a different sentence or order of disposition is necessary.
- Provides an affirmative defense to a charge of possession of sexually explicit digital material if the person charged did not solicit the sexually explicit material, did not share the material with others, and deleted or destroyed the material upon receipt.

- Provides that prosecution of a person for possession of sexually explicit digital material does not preclude prosecution of that person for any other offense, except that if the charges involve the same conduct and victim, the person may be convicted of only one of the charges.

Sexting educational diversion program

- Requires courts to offer a sexting educational diversion program for certain qualified persons charged with possession of sexually explicit digital material.
- Sets requirements for the curriculum and conditions of participation for persons who participate in a sexting educational diversion program.
- Allows for dismissal of charges if a person successfully completes the sexting educational diversion program.
- Requires that a person charged with possession of sexually explicit digital material be brought to trial or before the juvenile court if the person refuses to participate in diversion or violates the diversion program's conditions.

Additional Information

- **Policy Advisor:** Sheila L. Willamowski, 614-466-2179,
Sheila.willamowski@ohiohouse.gov

SUB. H.B. 7 (CUPP)
Address medical claims and provider immunities

House Co-Sponsors: Becker, Hambley, R. Smith, Huffman, Schaffer, Stein

Bill History

- 2/1/17 – Introduced in the House
- 5/23/18 – Favorable passage in House Civil Justice Committee (6 hearings)(11-2)(Dever)

House Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Tim Maglione (<i>Ohio State Medical Association</i>)• Bobbie Sprader (<i>Attorney -Bricker & Eckler</i>)• Dr. Michael McCrea (<i>American College of Emergency Physicians</i>)	<ul style="list-style-type: none">• Michael Shroge (<i>Ohio Association for Justice</i>)• Gerry Leeseberg (<i>Ohio Association for Justice</i>)• Sarah Tankersley (<i>Ohio Association for Justice</i>)• Rick Topper (<i>Ohio Association for Justice</i>)	<ul style="list-style-type: none">• No testimony.

Key Provisions (substitute bill)

Qualified immunity for health care providers and EMTs in a disaster

- Generally grants qualified civil immunity to specific types of health care providers and to emergency medical technicians (EMTs) that provide emergency medical services, first-aid treatment, or other emergency professional care as a result of a disaster.
- Provides that the bill does not create a new cause of action or substantive right against a health care provider or EMT and does not affect any civil immunities or defenses to which a health care provider or EMT may be entitled in the provision of those services or that treatment or care.
- Provides that the bill does not grant immunity from tort or other civil liability to a health care provider or EMT for actions that are outside the provider's or EMT's

authority and does not affect a provider's or EMT's legal responsibility to comply with any applicable Ohio law or agency rule.

- Specifies that the immunity applies only to the provision of emergency medical services, first-aid treatment, or other emergency professional care by a health care provider or EMT as a result of a disaster and through the duration of the disaster.
- Specifies that the immunity under the bill does not apply to a tort action alleging wrongful death against a health care provider or EMT who provides emergency medical services, first-aid treatment, or other emergency professional care as a result of a disaster.

Immunity for behavior of mental health patients

- Grants immunity to certain health care professionals or hospitals for failing to discharge from a facility a patient whom the professional or hospital believes in the good faith exercise of professional judgment according to appropriate standards of professional practice has a mental health condition threatening the safety of the patient or others.
- Grants immunity to certain health care professionals or hospitals for discharging a patient whom the professional or hospital believes in the good faith exercise of professional judgment according to appropriate standards of professional practice not to have a mental health condition that threatens the safety of the patient or others.

Medical Malpractice Law

- Clarifies the definition of "medical claim" and applies the provisions described in the following dot points to civil actions based on a medical claim.

Complaint asserting a medical claim

- Specifies the manner of sending, prior to the expiration of the limitation period for the claim, to a person who is the subject of a medical claim the written notice under current law of the claimant's intent to bring that claim.
- Specifically requires the plaintiff to file with the complaint, pursuant to Civil Rule 10(D), an affidavit of merit as to each defendant or a motion to extend the period to file such affidavit.
- Permits the parties, within the period described in the second succeeding dot point, to seek to discover potential medical claims or defendants not included in the complaint.

- Permits the plaintiff, within the period described in the succeeding dot point, to join any additional claim or defendant if the one-year limitation period for that claim had not expired prior to the filing of the original claim.
- Provides that if a complaint is filed prior to the one-year limitation period, the period in which the parties may conduct discovery and the plaintiff may join any additional claim or defendant under the preceding two dot points is equal to the balance of any days remaining from the filing of the complaint to the expiration of that limitation period, plus 180 days from the filing of the complaint.
- Specifies that R.C. 2323.451, which provides for additional claims does not modify or affect any Revised Code provision, common law rule, or Rule of Civil Procedure that applies to the commencement of the limitation period for medical claims asserted after the 180-day period specified in the preceding dot point.
- Provides that R.C. 2323.451, which provides for additional claims after filing the original complaint, may be used in lieu of, and not in addition to, R.C. 2305.113(B)(1) which provides that an action may be brought against a person notified by a claimant considering bringing an action, within 180 days after the notice is given.

Unanticipated outcome of medical care

- Renders inadmissible as evidence of an admission of liability a health care provider's, employee's, or representative's statements expressing error or fault made to the victim of an unanticipated outcome of medical care or the victim's relative or representative that relate to the victim's suffering, injury, or death.
- Provides that if any statements described in the preceding dot point or any statements of apology in continuing law are included in the medical record of the victim, only the portions of the medical record that include those statements are inadmissible as evidence of an admission of liability.
- Generally renders inadmissible as evidence any communications between a health care provider, employee, or representative and a victim, victim's relative, acquaintance, or representative following an unanticipated outcome of medical care and made as part of a good faith review into the cause of the unanticipated outcome.

Standards in federal laws not admissible as evidence in medical claim

- Provides that any guideline or standard under the "Patient Protection and Affordable Care Act" or the "Social Security Act" dealing with Medicare and Medicaid cannot be construed to establish a health care provider's standard or duty of care owed to a patient and is not admissible as evidence in a medical claim.

Insurer's reimbursement policies not admissible as evidence in medical claim

- Provides that any insurer's reimbursement policies or determinations or regulations of the United States Centers for Medicare and Medicaid Services or the Ohio Department of Medicaid regarding the health care services provided to a patient are not admissible as evidence and may not be used to establish a standard of care.

Peer review proceedings

- Permits the Director of Health, during inspection of records from a health care entity, to have on-site access to peer review committee records or, if required by law, to obtain copies of them with the redaction of any patient identifying information or health care provider or entity information.

Additional Information

- **Policy Advisor:** Sheila L. Willamowski, 614-466-2179,
Sheila.willamowski@ohiohouse.gov

SUB. H.B. 92 (SCHAFFER)
Require public indecency before minors offenders to register

House Co-Sponsors: Dean, Becker, Manning

Bill History

- 2/27/17 – Introduced in the House
- 5/22/18 – Favorable passage in House Criminal Justice Committee (5 hearings) (13-0)

House Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Chief Michael W. Tussey (<i>Baltimore Police Department</i>)	<ul style="list-style-type: none">• Niki Clum (<i>Office of the Ohio Public Defender</i>)• Gary Daniels (<i>ACLU of Ohio</i>)	<ul style="list-style-type: none">• No testimony.

Key Provisions (substitute bill)

- Modifies the offense of "public indecency" to prohibit a person, under circumstances in which the person's conduct is likely to be viewed by and affront another person who is in the person's physical proximity, is a minor, and is not the offender's spouse, from knowingly:
 - (1) Engaging in masturbation;
 - (2) Engaging in sexual conduct;
 - (3) Engaging in conduct that to an ordinary observer would appear to be sexual conduct or masturbation;
 - (4) Exposing the person's private parts with the purpose of personal sexual arousal or gratification or to lure the minor into sexual activity.
- Classifies as a "Tier I sex offender/child-victim offender" an offender who is convicted of violating the public indecency prohibition described in (4) above, subject to judicial discretion if the offender is less than ten years older than the other person or has not previously been convicted of the offense.

Additional Information

- **Policy Advisor:** Sheila L. Willamowski, 614-466-2179,
Sheila.willamowski@ohiohouse.gov

SUB. S.B. 66 (EKLUND/TAVARES)
Modify criminal sentencing and corrections law

House Co-Sponsors: Manning, Celebreeze, Rogers

Senate Co-Sponsors: Eklund and Tavares, Schiavoni, Terhar, Thomas, Coley, Williams, Brown, Hoagland, Huffman, Kunze, LaRose, Lehner, McColley, Obhof, O'Brien, Oelslager, Skindell, Sykes, Wilson

Bill History

- 2/28/18 – Favorable passage in Ohio Senate (32-0)
- 5/22/18 – Favorable passage in House Criminal Justice Committee (4 hearings) (13-0)

House Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Gary Mohr (<i>Director – Ohio Dept. of Rehabilitation and Correction</i>)• Fmr. Justice Paul Pfeifer (<i>Ohio Judicial Conference</i>)• Wendy Tarr (<i>Vincentian Ohio Action Network</i>)• Jimmy & Dee Haslam (<i>Owners- Cleveland Browns</i>)• Holly Harris (<i>Justice Action Network</i>)• Mike Randle (<i>Ohio Community Corrections Association</i>)• Niki Clum (<i>Office of the Ohio Public Defender</i>)	<ul style="list-style-type: none">• No testimony.	<ul style="list-style-type: none">• Carol O'Brien (<i>Delaware Co. Prosecutor - Ohio Prosecution Attorneys Association</i>)

Key Provisions (substitute bill)

- Expands the overriding purposes of felony sentencing to include, in addition to the currently stated purposes, the promotion of the effective rehabilitation of the offender.
- Removes the one-year minimum that currently applies when a court sentences an offender to a community control sanction for a fourth or fifth degree felony under the presumption for community control sanctions and expressly authorizes the court to impose a combination of community control sanctions under the provision.
- Provides that a court may impose a new term of up to six months in a community based correctional facility or jail as a penalty for a felony offender who violates a community control sanction condition.
- Allows a sentencing court to place an offender who is subject to community control sanctions under the supervision of any entity authorized to provide probation and supervisory services to the county when there is no county probation department.
- Modifies the manner in which a sentencing court calculates the confinement credit by which the prison term of a felony offender sentenced to prison must be reduced.
- Eliminates a requirement that the sentencing court inform the offender at sentencing that the offender must not ingest or be injected with a drug of abuse and must submit to random drug testing while incarcerated.
- Modifies the criteria that a person must satisfy to be eligible for intervention in lieu of conviction (ILC) and changes the phrasing of a provision that specifies what a court must do after a hearing held to determine whether to grant ILC.
- Expands eligibility for pretrial diversion to include persons charged with certain minor drug offenses when the prosecutor consents to their participation.
- Expands the categories of offenders who are "eligible offenders" for purposes of Ohio's Conviction Record Sealing Law.
- Modifies the procedures for the Adult Parole Authority to grant a final release or terminate post-release control.
- Modifies the criteria for considering a prison term sanction for a post-release control violation.
- Extends the authority of the State Highway Patrol's Superintendent and Troopers to enforce criminal laws to also apply to the Northeast Ohio Correctional Center.
- Modifies the penalty for an employer's failure to remit state income taxes withheld from an employee.
- Allows halfway houses and the Department of Mental Health and Addiction Services to use the validated risk assessment tool selected by the Department of Rehabilitation and Correction (DRC).

- Allows authorized users of the validated risk assessment tool to disclose risk assessment reports to qualified persons and research organizations for research, evaluative, and statistical purposes, subject to written agreements.
- Authorizes the conveyance of state-owned real estate in Madison and Scioto counties currently under the jurisdiction of DRC.

Additional Information

- **Policy Advisor:** Sheila L. Willamowski, 614-466-2179,
Sheila.willamowski@ohiohouse.gov

From: Myers, Marisa
Sent: Tuesday, June 26, 2018 5:34 PM
To: Kerns, Emily; Sarko, Alyssa; Garczyk, Cameron
CC: Lundregan, Scott
Subject: Caucus Packet Final
Attachments: SB 221 (Uecker) Bill Briefing 6-26-18.pdf; SB 220 (Hackett Bacon) Cybersecurity Bill Briefing 6-25-18.pdf; Caucus Agenda -- 6.26.18 MM.docx

Marisa Myers

Deputy Policy Director | Majority Caucus
Ohio House of Representatives | 77 S. High Street Columbus, Ohio 43215
p. 614.728.5523 | e. Marisa.Myers@ohiohouse.gov

S.B. 221 (UECKER)
Reform agency rule-making and legislative review of rules

Senate Co-Sponsors: Coley, Burke, Dolan, Hoagland

Bill History

- 3/21/18 – Senate Government Oversight and Reform Committee (4 hearings)(9-2)
- 4/11/18 – Senate Floor Vote (30-3)
- 6/27/18 – House Government Accountability & Oversight (4 hearings) (vote pending)
- 6/27/18 – House Floor Vote Pending Committee Report

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Larry Wolpert – JCARR• Chris Ferruso – NFIB• Kevin Boehner – Ohio Chamber of Commerce• Brandon Ogden – Small Business Consultant of Ohio• Emily Turner – Ohio Association of Goodwill Industries	<ul style="list-style-type: none">• Zach Schiller – Policy Matters Ohio	

Key Provisions

- Updates the JCARR definition of "incorporation by reference"
- Adds, to the definition of what constitutes an "adverse impact on business" for purposes of the business review of rules law, an additional meaning: that the rule would be likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.
- Authorizes JCARR to call an agency in before JCARR if they find an unexpected adverse impact on business in a previously adopted rule. This can occur only once per rule every 5 years.
- Requires agencies to supplant in rule any principle of law or policy and gives JCARR the power to compel them to do so if the agency does not.
- If an aggrieved citizen of Ohio is subject to discipline on the basis of an agency's principle of law or policy, the bill allows that citizen to petition the agency to supplant the principle of law or policy in rule. JCARR will be notified if an agency receives a petition.
- Exempts statewide elected offices from the principle of law or policy provisions
- Allows JCARR to compel agencies to adopt rules which they are statutorily required to adopt when they fail to do so.
- Clarifies that the JCARR Executive Director serves at the pleasure of the President and Speaker by mutual consensus.
- Authorizes the JCARR Executive Director to hire technical, clerical, and professional employees
- Requires Opportunities for Ohioans with Disabilities Agency to establish the fee schedule by rule adopted under the Administrative Procedure Act.

Additional Information

- **Policy Advisor:** Lisa Griffin, 937-554-6372, lisa.griffin@ohiohouse.gov & Steven Alexander (covers JCARR), 740-804-3213

Updated June 26, 2018

S.B. 220 (HACKETT/BACON)
Provide legal safe harbor if implement cybersecurity program

Senate Co-Sponsors: Coley, Burke, Dolan, Hoagland

Bill History

- 5/16/18 – Senate Government Oversight and Reform Committee (5 hearings)(8-2)
- 5/16/18 – Senate Floor Vote (24-8)
- 6/27/18 – House Government Accountability & Oversight (3 hearings) (vote pending)
- 6/27/18 – House Floor Vote Pending Committee Report

Stakeholders

Proponent	Opponent	Interested Party
<ul style="list-style-type: none">• Kimberly Murnieks – Attorney General DeWine's Chief Operating Officer• Chris Ferruso - NFIB• Don Boyd - Ohio Chamber of Commerce• Lewis Dolezal - Scotts Miracle- Gro & Ohio Manufacturers' Association• Kirk Herath – Nationwide• Timothy Opsitnick -- Greater Cleveland Partnership	<ul style="list-style-type: none">• Curtis Fifner- Ohio Association for Justice• Mark Abramowitz – DiCello Levitt & Casey• Marc Dann – Dann Law• Jim Halpert – State Privacy and Security Coalition	

Key Provisions

- Creates an affirmative defense to a tort action against a covered entity because of a data breach, if the entity is accused of failing to implement reasonable information security controls and the entity has a cybersecurity program that meets the bill's requirements.

Definitions

- Defines "covered entity" as a business or nonprofit entity, including a financial institution, that accesses, maintains, communicates, or handles personal information or restricted information.
- Provides definitions for "personal information," "restricted information," and "data breach."

Requirements to qualify for the affirmative defense

- Requires a covered entity, in order to be eligible for the affirmative defense, to create, maintain, and comply with a written cybersecurity program that contains certain safeguards for the protection of personal information, restricted information, or both.
- Requires the cybersecurity program to meet the bill's design, scale, and scope requirements and to reasonably comply with an industry recognized cybersecurity framework listed in the bill.
- Allows a covered entity to have a cybersecurity program that protects personal information and therefore to be entitled to assert an affirmative defense to a cause of action involving a data breach concerning personal information.